



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I
5 POST OFFICE SQUARE SUITE 100
BOSTON, MASSACHUSETTS 02109-3912

MAY 17 2019

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Roy Zaffiro, CEO
Channel Fish Processing
200 Commerce Drive
Braintree, MA 02184

Re: Information Request Pursuant to the Clean Air Act

Dear Roy Zaffiro:

In March of 2019, the U.S. Environmental Protection Agency (“EPA”) provided you notice of its plans to begin an enforcement initiative to increase companies’ compliance with the “General Duty Clause” of Section 112(r)(1) of the Clean Air Act (“CAA”), 42 U.S.C. § 7412(r)(1), in certain states. See “Improving Safety at Facilities in New England with Smaller Ammonia Refrigeration Systems” (attached). This notice was widely shared with companies that operate ammonia refrigeration facilities, ammonia suppliers, ammonia contractors, and trade associations. This letter is part of the described initiative.

Please review this letter carefully. It contains an “Information Request” that requires you to submit certain information to EPA within **fifteen (15) days** of your receipt of this letter.

INFORMATION REQUEST

EPA issues this Information Request under the authority of Section 114(a)(1) of the CAA, 42 U.S.C. § 7414(a)(1), which authorizes EPA to require a company to submit such information and conduct such reporting or auditing as EPA may reasonably require to determine compliance with the CAA and to carry out the purposes of the CAA. It requests certain information about the refrigeration system (“Refrigeration System”) at Channel Fish Processing’s facility at 88 Commercial St Ste 1 in Gloucester, MA (“Facility”) in order to investigate your compliance with the General Duty Clause of Section 112(r)(1) of the CAA, 42 U.S.C. § 7412(r)(1).

The goal of Section 112(r) of the Clean Air Act, 42 U.S.C. § 7412(r), is to reduce the risk of chemical accidents. Pursuant to the General Duty Clause, owners and operators of stationary sources producing, processing, handling, or storing substances listed pursuant to Section 112(r)(3) of the Clean Air Act, 42 U.S.C. § 7412(r)(3), or any other extremely hazardous substance, have a general duty to:

1. Identify hazards which may result from accidental releases of such substances using appropriate hazard assessment techniques;

2. Design and maintain a safe facility taking such steps as are necessary to prevent releases; and
3. Minimize the consequences of accidental releases that do occur.

Guidance documents that further explain the General Duty Clause may be found at <https://www.epa.gov/enforcement/guidance-implementation-general-duty-clause-clean-air-act-cao-section-112r1-may-2000> and <https://www.epa.gov/sites/production/files/2015-02/documents/112renforcementalert.pdf>. Also, the International Institute of Ammonia Refrigeration has issued industry standards and guidance that can help facilities comply with the General Duty Clause. *See, e.g.*, The Ammonia Refrigeration Management (“ARM”) Program, available through www.iiar.org.

Information obtained by EPA, including chemical inventory (“Tier II”) reports² submitted by Channel Fish Processing, indicates that the Refrigeration System uses anhydrous ammonia. Anhydrous ammonia is an extremely hazardous substance subject to the General Duty Clause.

While companies have an obligation to comply with all three duties of the General Duty Clause, this Information Request only focuses on Channel Fish Processing’s compliance with the first duty: the duty to identify hazards which may result from accidental releases of anhydrous ammonia from the Refrigeration System using appropriate hazard techniques. You are required to submit the information requested in the “Information Request” and “Declaration” portions of the enclosed Attachment 1 by filling in all of the blanks with the appropriate information. You can fill out the form by hand, or if you prefer, you may contact EPA to receive an electronic version of the form. Then mail or e-mail the completed form to the EPA person and address listed at the top of Attachment 1.

Compliance with this Information Request is mandatory. Failure to respond fully and truthfully, or to adequately justify any failure to respond, **within fifteen (15) days of receipt of this letter** can result in an enforcement action by EPA pursuant to Section 113 of the CAA, 42 U.S.C. § 7413. This statute permits EPA to seek the imposition of penalties. This Information Request is not subject to Office of Management and Budget review under the Paperwork Reduction Act. Please be further advised that provision of false, fictitious, or fraudulent statements or representations may subject you to criminal penalties.

You may, if you desire, assert a business confidentiality claim covering part or all of the information requested, in the manner described by 40 C.F.R. § 2.203(b). You should read the above-cited regulations carefully before asserting a business confidentiality claim, as certain categories of information are not properly the subject of such a claim. If no such claim accompanies the information submitted, the information may be made available to the public by EPA without further notice to you.

² Tier II reports are submitted pursuant to Section 312 of the Emergency Planning and Community Right-to-Know Act (“EPCRA”), 42 U.S.C. § 11022.

FOLLOW-UP TO INFORMATION REQUEST

EPA will review Channel Fish Processing's response to the Information Request. If the response indicates that Channel Fish Processing has performed a Process Hazard Review of the Refrigeration System, Channel Fish Processing's involvement in this initiative will conclude.

If Channel Fish Processing's response reveals a violation of the first duty of the General Duty Clause (*i.e.*, Channel Fish Processing has **not** performed an analysis of the hazards of the Refrigeration System using appropriate hazard assessment techniques), and that the Facility has not experienced a significant release of ammonia in the last five years (*i.e.*, you answer "no" in response to question 4 of the Information Request), then EPA will follow-up by sending Channel Fish Processing an offer to resolve this violation quickly and at a steep discount via an Expedited Settlement Agreement ("ESA"). The voluntary ESA will require Channel Fish Processing to retain a third-party expert to perform a Process Hazard Review of the Refrigeration System using appropriate hazard assessment techniques. The ESA will also require Channel Fish Processing to meet with the local emergency responders to plan for an emergency response in the event of an ammonia release and to certify that it has filed a Tier II form with local and state emergency responders pursuant to Section 312 of the Emergency Planning and Community Right-to-Know Act, 42 U.S.C. § 11022, and 40 C.F.R. Part 270.

If you have any questions with regard to this Information Request, please contact Mary Jane O'Donnell of my staff at (617) 918-1371 or odonnell.maryjane@epa.gov.

Sincerely,



James Chow, Chief
Enforcement and Compliance Assurance Branch
Enforcement and Compliance Assurance Division

Enclosures

1. Information Request
2. Public Notice of Enforcement Initiative
3. Small Business Information Sheet

cc: Christine Foot, Esq., EPA

ATTACHMENT 1

INFORMATION REQUEST

Instructions: Complete this form and the Declaration and mail or e-mail it to:

Mary Jane O'Donnell, Chief
Waste and Chemical Compliance Section
Enforcement and Compliance Assurance Division
U. S. Environmental Protection Agency, Region I
5 Post Office Square, Suite 100 (Mail Code 05-1)
Boston, Massachusetts 02109-3912
O'donnell.maryjane@epa.gov

Guidance on How to Respond. Please respond fully to each of the questions, using the spaces provided. As part of your response, please complete the enclosed Declaration (see below). Your submission must be a self-explanatory, complete response that is dated and signed by an authorized facility official. It is acceptable to fill out the form by hand, but if you prefer, you may contact EPA to receive an electronic copy of the form.

Continuing Obligation to Provide/Correct Information. If additional information responsive to these questions becomes known or available after answering this request, including, but not limited to, specific information that may be deemed *unknown* at the time of your response, EPA hereby requests, pursuant to Section 114(a)(1) of the CAA, 42 U.S.C. § 7414(a)(1), that you supplement your response to EPA within ten (10) days of discovering such information. If at any time after the submission of this response, you discover or believe that any portion of the submitted information is incomplete or misrepresents the truth, notify Mary Jane O'Donnell of this fact as soon as possible and provide EPA with a corrected response.

QUESTIONS/INFORMATION REQUESTED

Channel Fish Processing
88 Commercial St Ste 1
Gloucester, MA 02184

1. Does the Facility have any refrigeration systems that use anhydrous ammonia? **Yes** ___ **No** ___ How many? _____
2. What is the inventory of anhydrous ammonia contained within each ammonia refrigeration system referenced in your answer to Question 1 above? (list individually)

| Refrigeration System | Inventory of Anhydrous Ammonia (pounds) |
|----------------------|---|
| | |
| | |
| | |

3. Has a Process Hazard Review been performed on each ammonia refrigeration system referenced in your answer to Questions 1 and 2 above? **Yes** ___ **No** ___

If yes, specify the type of review, the year of the review, and who conducted it.

| Refrigeration System | Type of Process Hazard Review (Specify industry checklist, What-If Analysis, HAZOP Analysis, or other) | Date of Process Hazard Review | Who Conducted Hazard Review (Specify outside team, your company, or other) |
|----------------------|--|-------------------------------|--|
| | | | |
| | | | |
| | | | |

4. Has the Facility experienced an ammonia release in the last five years that resulted in deaths, injuries, significant property or environmental damage, evacuations, or sheltering in place? **Yes** ___ **No** ___

If yes, please include a brief description of the ammonia release, including the date, cause, amount released, and consequences of the release. _____

DECLARATION

Channel Fish Processing
88 Commercial St Ste 1
Gloucester, MA 02184

I declare under penalty of perjury that I am the

_____ of _____,
Title Company

that I am authorized to respond on behalf of

_____, and that the foregoing is a complete, true,
Company

and correct response.

Executed on _____
Date

Signature

Name and Title

Compliance Assurance and Enforcement Focus: Improving Safety at Facilities in New England with Smaller Ammonia Refrigeration Systems

Ammonia: An Efficient Refrigerant That Must Be Safely Managed

While anhydrous ammonia has many environmental and operational benefits, it is also an extremely hazardous substance that, if accidentally released, presents a significant health hazard because it is corrosive to the skin, eyes, and lungs. Ammonia is also flammable at certain concentrations in air.



EPA inspection photo reveals dangerous ice buildup on ammonia piping and valves.

How Safe Is Your Refrigeration System?

Accidental releases of ammonia from refrigeration facilities have injured or killed people. See <https://www.epa.gov/sites/production/files/2015-02/documents/112renforcementalert.pdf>

Some of the most dangerous facilities that EPA inspected were not aware of the hazards that their refrigeration systems posed to the public, emergency responders, and employees.

Does Your Facility Use Ammonia Refrigeration?

The Environmental Protection Agency (EPA) would like to work with facilities that have ammonia refrigeration systems to improve their safety, protect workers and the public from exposure to toxic gas, and avoid product losses.

Notice of Compliance Assurance and Enforcement Initiative

EPA is providing advance notice of an upcoming enforcement initiative so that you can take steps now to avoid a penalty before the initiative begins.

The Initiative will focus on ammonia refrigeration facilities using fewer than 10,000 pounds of anhydrous ammonia to enhance their compliance with the General Duty Clause of Section 112(r) of the Clean Air Act ("CAA"), 42 U.S.C. §(r)(1), and with Section 312 of the Emergency Planning and Community Right-to-Know Act (EPCRA), 42 U.S.C. § 11022. Failure to comply with these requirements puts the public at risk of exposure to anhydrous ammonia.

Compliance Help

Go to <https://www.epa.gov/enforcement/compliance-assistance-tools-and-resources-ammonia-refrigeration-sector> for a list of compliance resources, including guidance documents and links to refrigeration-related trade associations.

continued >>

How Can I Comply With The General Duty Clause (GDC)?

The goal of Section 112(r) of the Clean Air Act, 42 U.S.C. § 7412(r), is to reduce the risk of chemical accidents. Owners and operators of stationary sources producing, processing, handling, or storing extremely hazardous substances, including anhydrous ammonia, must:

1. identify hazards which may result from accidental releases using appropriate hazard assessment techniques;
2. design and maintain a safe facility taking steps to prevent releases; and
3. minimize the consequences of accidental releases that do occur.

For more information on the General Duty Clause: <https://www.epa.gov/sites/production/files/documents/gendutyclause-rpt.pdf>.

This Initiative focuses on the first duty listed above. Conduct a comprehensive hazard review of your refrigeration system to comply with the duty to identify hazards. Appropriate hazard identification techniques include standard industry checklists and What-if analyses. See above link for more information. Trade associations may be able to help you find experienced consultants and hazard identification materials.

How will EPA's Initiative Work?

Information Request: EPA has begun preliminary investigations into compliance with the General Duty Clause by facilities that it believes has fewer than 10,000 pounds of ammonia. The primary focus of this Initiative is facilities with more than 1,000 pounds of ammonia. EPA will send brief, targeted Information Requests to selected facilities that it has reason to believe may be out of compliance. Facilities will be required to respond to EPA answering four questions about their ammonia refrigeration systems, including whether a process hazard review has been performed. If a facility has not performed the required hazard review, EPA will inform the facility that it has violated the first duty of the General Duty Clause.

Settlement: Unless a significant release has occurred at the facility, EPA will offer to resolve this violation for a discounted penalty, provided the company agrees to perform a hazard review of its system with the help of an expert. The company will also be required to meet with emergency responders and submit any missing Tier II forms.

Follow-up: EPA will inspect a small subset of facilities to determine if the Initiative has improved compliance with the General Duty Clause.

How Can I Comply With EPCRA?

Section 312 of EPCRA requires facilities to report the presence of certain chemicals, including anhydrous ammonia, to emergency planning and response agencies. The goal is to ensure that emergency responders and planners know what chemicals are on site should they need to respond to an incident and that people in the community can get information about chemicals in their neighborhood.

What Can I Do Now To Avoid a Penalty?

If you haven't already, conduct a process hazard review. Companies that respond to the Information Request indicating that a hazard review has already been performed will not need to take further action under this Initiative. To avoid EPCRA penalties, see if you qualify for penalty relief under EPA's Audit Policy. Go to https://www.epa.gov/compliance/epas-audit-policy#_bookmark3 for more information and to <https://www.epa.gov/compliance/epas-edisclosure> for EPA's web-based "e-Disclosure" portal.

EPCRA Inventory Forms (Tier II forms) are due annually by March 1.

For more information about EPCRA reporting, go to: <https://www.epa.gov/epcra>.

U.S. EPA Small Business Resources Information Sheet

The United States Environmental Protection Agency provides an array of resources to help small businesses understand and comply with federal and state environmental laws. In addition to helping small businesses understand their environmental obligations and improve compliance, these resources will also help such businesses find cost-effective ways to comply through pollution prevention techniques and innovative technologies.

Office of Small and Disadvantaged Business Utilization (OSDBU)

www.epa.gov/aboutepa/about-office-small-and-disadvantaged-business-utilization-osdbu

EPA's OSDBU advocates and advances business, regulatory, and environmental compliance concerns of small and socio-economically disadvantaged businesses.

EPA's Asbestos Small Business Ombudsman (ASBO)

www.epa.gov/resources-small-businesses/asbestos-small-business-ombudsman or 1-800-368-5888

The EPA ASBO serves as a conduit for small businesses to access EPA and facilitates communications between the small business community and the Agency.

Small Business Environmental Assistance Program

<https://nationalsbeap.org>

This program provides a "one-stop shop" for small businesses and assistance providers seeking information on a wide range of environmental topics and state-specific environmental compliance assistance resources.

EPA's Compliance Assistance Homepage

www.epa.gov/compliance

This page is a gateway to industry and statute-specific environmental resources, from extensive web-based information to hotlines and compliance assistance specialists.

Compliance Assistance Centers www.complianceassistance.net

EPA sponsored Compliance Assistance Centers provide information targeted to industries with many small businesses. They were developed in partnership with industry, universities and other federal and state agencies.

Agriculture

www.epa.gov/agriculture

Automotive Recycling

www.ecarcenter.org

Automotive Service and Repair

www.ccar-greenlink.org or 1-888-GRN-LINK

Chemical Manufacturing

www.chemalliance.org

Construction

www.cicacenter.org

Education

www.campuserc.org

Food Processing

www.fpeac.org

Healthcare

www.hercenter.org

Local Government

www.lgean.org

Surface Finishing

<http://www.sterc.org>

Paints and Coatings

www.paintcenter.org

Printing

www.pneac.org

Ports

www.portcompliance.org

Transportation

www.tercenter.org

U.S. Border Compliance and Import/Export Issues

www.bordercenter.org

EPA Hotlines and Clearinghouses

www.epa.gov/home/epa-hotlines

EPA sponsors many free hotlines and clearinghouses that provide convenient assistance regarding environmental requirements. Examples include:

Clean Air Technology Center (CATC) Info-line

www.epa.gov/catc or 1-919-541-0800

Superfund, TRI, EPCRA, RMP, and Oil Information Center

1-800-424-9346

EPA Imported Vehicles and Engines Public Helpline

www.epa.gov/otaq/imports or 1-734-214-4100

National Pesticide Information Center

www.npic.orst.edu or 1-800-858-7378

National Response Center Hotline to report oil and hazardous substance spills - <http://nrc.uscg.mil> or 1-800-424-8802

Pollution Prevention Information Clearinghouse (PPIC) -

www.epa.gov/p2/pollution-prevention-resources#ppic or 1-202-566-0799

Safe Drinking Water Hotline -

www.epa.gov/ground-water-and-drinking-water/safe-drinking-water-hotline or 1-800-426-4791

Toxic Substances Control Act (TSCA) Hotline

tsc-hotline@epa.gov or 1-202-554-1404

Small Entity Compliance Guides

<https://www.epa.gov/reg-flex/small-entity-compliance-guides>

EPA publishes a Small Entity Compliance Guide (SECG) for every rule for which the Agency has prepared a final regulatory flexibility analysis, in accordance with Section 604 of the Regulatory Flexibility Act (RFA).

Regional Small Business Liaisons

www.epa.gov/resources-small-businesses/epa-regional-office-small-business-liaisons

The U.S. Environmental Protection Agency (EPA) Regional Small Business Liaison (RSBL) is the primary regional contact and often the expert on small business assistance, advocacy, and outreach. The RSBL is the regional voice for the EPA Asbestos and Small Business Ombudsman (ASBO).

State Resource Locators

www.envcap.org/statetools

The Locators provide state-specific contacts, regulations and resources covering the major environmental laws.

State Small Business Environmental Assistance Programs (SBEAPs)

<https://nationalsbeap.org/states/list>

State SBEAPs help small businesses and assistance providers understand environmental requirements and sustainable business practices through workshops, trainings and site visits.

EPA's Tribal Portal

www.epa.gov/tribalportal

The Portal helps users locate tribal-related information within EPA and other federal agencies.

EPA Compliance Incentives

EPA provides incentives for environmental compliance. By participating in compliance assistance programs or voluntarily disclosing and promptly correcting violations before an enforcement action has been initiated, businesses may be eligible for penalty waivers or reductions. EPA has two such policies that may apply to small businesses:

EPA's Small Business Compliance Policy

www.epa.gov/enforcement/small-businesses-and-enforcement

EPA's Audit Policy

www.epa.gov/compliance/epas-audit-policy

Commenting on Federal Enforcement Actions and Compliance Activities

The Small Business Regulatory Enforcement Fairness Act (SBREFA) established a SBREFA Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. If you believe that you fall within the Small Business Administration's definition of a small business (based on your North American Industry Classification System designation, number of employees or annual receipts, as defined at 13 C.F.R. 121.201; in most cases, this means a business with 500 or fewer employees), and wish to comment on federal enforcement and compliance activities, call the SBREFA Ombudsman's toll-free number at 1-888-REG-FAIR (1-888-734-3247).

Every small business that is the subject of an enforcement or compliance action is entitled to comment on the Agency's actions without fear of retaliation. EPA employees are prohibited from using enforcement or any other means of retaliation against any member of the regulated community in response to comments made under SBREFA.

Your Duty to Comply

If you receive compliance assistance or submit a comment to the SBREFA Ombudsman or Regional Fairness Boards, you still have the duty to comply with the law, including providing timely responses to EPA information requests, administrative or civil complaints, other enforcement actions or communications. The assistance information and comment processes do not give you any new rights or defenses in any enforcement action. These processes also do not affect EPA's obligation to protect public health or the environment under any of the environmental statutes it enforces, including the right to take emergency remedial or emergency response actions when appropriate. Those decisions will be based on the facts in each situation. The SBREFA Ombudsman and Fairness Boards do not participate in resolving EPA's enforcement actions. Also, remember that to preserve your rights, you need to comply with all rules governing the enforcement process.

EPA is disseminating this information to you without making a determination that your business or organization is a small business as defined by Section 222 of the Small Business Regulatory Enforcement Fairness Act or related provisions.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I
5 POST OFFICE SQUARE SUITE 100
BOSTON, MASSACHUSETTS 02109-3912

MAY 17 2019

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Lou Tarnowski, CFO
Eastern Fisheries, Inc.
14 Hervey Tichon Ave
New Bedford, MA 02740

Re: Information Request Pursuant to the Clean Air Act

Dear Lou Tarnowski:

In March of 2019, the U.S. Environmental Protection Agency (“EPA”) provided you notice of its plans to begin an enforcement initiative to increase companies’ compliance with the “General Duty Clause” of Section 112(r)(1) of the Clean Air Act (“CAA”), 42 U.S.C. § 7412(r)(1), in certain states. See “Improving Safety at Facilities in New England with Smaller Ammonia Refrigeration Systems” (attached). This notice was widely shared with companies that operate ammonia refrigeration facilities, ammonia suppliers, ammonia contractors, and trade associations. This letter is part of the described initiative.

Please review this letter carefully. It contains an “Information Request” that requires you to submit certain information to EPA within **fifteen (15) days** of your receipt of this letter.

INFORMATION REQUEST

EPA issues this Information Request under the authority of Section 114(a)(1) of the CAA, 42 U.S.C. § 7414(a)(1), which authorizes EPA to require a company to submit such information and conduct such reporting or auditing as EPA may reasonably require to determine compliance with the CAA and to carry out the purposes of the CAA. It requests certain information about the refrigeration system (“Refrigeration System”) at Eastern Fisheries, Inc.’s facilities at 14 Hervey Tichon Ave, 22 Antonio Costa Ave, and 200 R Herman Melville in New Bedford, MA (“Facility”) in order to investigate your compliance with the General Duty Clause of Section 112(r)(1) of the CAA, 42 U.S.C. § 7412(r)(1).

The goal of Section 112(r) of the Clean Air Act, 42 U.S.C. § 7412(r), is to reduce the risk of chemical accidents. Pursuant to the General Duty Clause, owners and operators of stationary sources producing, processing, handling, or storing substances listed pursuant to Section 112(r)(3) of the Clean Air Act, 42 U.S.C. § 7412(r)(3), or any other extremely hazardous substance, have a general duty to:

1. Identify hazards which may result from accidental releases of such substances using appropriate hazard assessment techniques;

2. Design and maintain a safe facility taking such steps as are necessary to prevent releases; and
3. Minimize the consequences of accidental releases that do occur.

Guidance documents that further explain the General Duty Clause may be found at <https://www.epa.gov/enforcement/guidance-implementation-general-duty-clause-clean-air-act-cao-section-112r1-may-2000> and <https://www.epa.gov/sites/production/files/2015-02/documents/112renforcementalert.pdf>. Also, the International Institute of Ammonia Refrigeration has issued industry standards and guidance that can help facilities comply with the General Duty Clause. *See, e.g.,* The Ammonia Refrigeration Management (“ARM”) Program, available through www.iiar.org.

Information obtained by EPA, including chemical inventory (“Tier II”) reports¹ submitted by Eastern Fisheries, Inc., indicates that the Refrigeration System uses anhydrous ammonia. Anhydrous ammonia is an extremely hazardous substance subject to the General Duty Clause.

While companies have an obligation to comply with all three duties of the General Duty Clause, this Information Request only focuses on Eastern Fisheries, Inc.’s compliance with the first duty: the duty to identify hazards which may result from accidental releases of anhydrous ammonia from the Refrigeration System using appropriate hazard techniques. You are required to submit the information requested in the “Information Request” and “Declaration” portions of the enclosed Attachment 1 by filling in all of the blanks with the appropriate information. You can fill out the form by hand, or if you prefer, you may contact EPA to receive an electronic version of the form. Then mail or e-mail the completed form to the EPA person and address listed at the top of Attachment 1.

Compliance with this Information Request is mandatory. Failure to respond fully and truthfully, or to adequately justify any failure to respond, **within fifteen (15) days of receipt of this letter** can result in an enforcement action by EPA pursuant to Section 113 of the CAA, 42 U.S.C. § 7413. This statute permits EPA to seek the imposition of penalties. This Information Request is not subject to Office of Management and Budget review under the Paperwork Reduction Act. Please be further advised that provision of false, fictitious, or fraudulent statements or representations may subject you to criminal penalties.

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¹ Tier II reports are submitted pursuant to Section 312 of the Emergency Planning and Community Right-to-Know Act (“EPCRA”), 42 U.S.C. § 11022.

FOLLOW-UP TO INFORMATION REQUEST

EPA will review Eastern Fisheries, Inc.'s response to the Information Request. If the response indicates that Eastern Fisheries, Inc. has performed a Process Hazard Review of the Refrigeration System, Eastern Fisheries, Inc.'s involvement in this initiative will conclude.

If Eastern Fisheries, Inc.'s response reveals a violation of the first duty of the General Duty Clause (*i.e.*, Eastern Fisheries, Inc. has **not** performed an analysis of the hazards of the Refrigeration System using appropriate hazard assessment techniques), and that the Facility has not experienced a significant release of ammonia in the last five years (*i.e.*, you answer "no" in response to question 4 of the Information Request), then EPA will follow-up by sending Eastern Fisheries, Inc. an offer to resolve this violation quickly and at a steep discount via an Expedited Settlement Agreement ("ESA"). The voluntary ESA will require Eastern Fisheries, Inc. to retain a third-party expert to perform a Process Hazard Review of the Refrigeration System using appropriate hazard assessment techniques. The ESA will also require Eastern Fisheries, Inc. to meet with the local emergency responders to plan for an emergency response in the event of an ammonia release and to certify that it has filed a Tier II form with local and state emergency responders pursuant to Section 312 of the Emergency Planning and Community Right-to-Know Act, 42 U.S.C. § 11022, and 40 C.F.R. Part 270.

If you have any questions with regard to this Information Request, please contact Mary Jane O'Donnell of my staff at (617) 918-1371 or odonnell.maryjane@epa.gov.

Sincerely,



James Chow, Chief
Enforcement and Compliance Assurance Branch
Enforcement and Compliance Assurance Division

Enclosures

1. Information Request
2. Public Notice of Enforcement Initiative
3. Small Business Information Sheet

cc: Christine Foot, Esq., EPA

ATTACHMENT 1

INFORMATION REQUEST

Instructions: Complete this form and the Declaration and mail or e-mail it to:

Mary Jane O'Donnell, Chief
Waste and Chemical Compliance Section
Enforcement and Compliance Assurance Division
U. S. Environmental Protection Agency, Region I
5 Post Office Square, Suite 100 (Mail Code 05-1)
Boston, Massachusetts 02109-3912
O'donnell.maryjane@epa.gov

Guidance on How to Respond. Please respond fully to each of the questions, using the spaces provided. As part of your response, please complete the enclosed Declaration (see below). Your submission must be a self-explanatory, complete response that is dated and signed by an authorized facility official. It is acceptable to fill out the form by hand, but if you prefer, you may contact EPA to receive an electronic copy of the form.

Continuing Obligation to Provide/Correct Information. If additional information responsive to these questions becomes known or available after answering this request, including, but not limited to, specific information that may be deemed *unknown* at the time of your response, EPA hereby requests, pursuant to Section 114(a)(1) of the CAA, 42 U.S.C. § 7414(a)(1), that you supplement your response to EPA within ten (10) days of discovering such information. If at any time after the submission of this response, you discover or believe that any portion of the submitted information is incomplete or misrepresents the truth, notify Mary Jane O'Donnell of this fact as soon as possible and provide EPA with a corrected response.

QUESTIONS/INFORMATION REQUESTED

Eastern Fisheries, Inc.
14 Hervey Tichon Ave
New Bedford, MA 02740

1. Does the Facility have any refrigeration systems that use anhydrous ammonia? **Yes** ___ **No** ___ How many? _____
2. What is the inventory of anhydrous ammonia contained within each ammonia refrigeration system referenced in your answer to Question 1 above? (list individually)

| Refrigeration System | Inventory of Anhydrous Ammonia (pounds) |
|----------------------|---|
| | |
| | |
| | |

3. Has a Process Hazard Review been performed on each ammonia refrigeration system referenced in your answer to Questions 1 and 2 above? **Yes** ___ **No** ___

If yes, specify the type of review, the year of the review, and who conducted it.

| Refrigeration System | Type of Process Hazard Review (Specify industry checklist, What-If Analysis, HAZOP Analysis, or other) | Date of Process Hazard Review | Who Conducted Hazard Review (Specify outside team, your company, or other) |
|----------------------|--|-------------------------------|--|
| | | | |
| | | | |
| | | | |

4. Has the Facility experienced an ammonia release in the last five years that resulted in deaths, injuries, significant property or environmental damage, evacuations, or sheltering in place? **Yes** ___ **No** ___

If yes, please include a brief description of the ammonia release, including the date, cause, amount released, and consequences of the release. _____

DECLARATION

Eastern Fisheries, Inc.
14 Hervey Tichon Ave
New Bedford, MA 02740

I declare under penalty of perjury that I am the

_____ of _____,
Title Company

that I am authorized to respond on behalf of

_____, and that the foregoing is a complete, true,
Company

and correct response.

Executed on _____
Date

Signature

Name and Title

QUESTIONS/INFORMATION REQUESTED

Eastern Fisheries, Inc.
22 Antonio Costa Ave
New Bedford, MA 02740

1. Does the Facility have any refrigeration systems that use anhydrous ammonia? **Yes** ___ **No** ___ How many? _____
2. What is the inventory of anhydrous ammonia contained within each ammonia refrigeration system referenced in your answer to Question 1 above? (list individually)

| Refrigeration System | Inventory of Anhydrous Ammonia (pounds) |
|----------------------|---|
| | |
| | |
| | |

3. Has a Process Hazard Review been performed on each ammonia refrigeration system referenced in your answer to Questions 1 and 2 above? **Yes** ___ **No** ___

If yes, specify the type of review, the year of the review, and who conducted it.

| Refrigeration System | Type of Process Hazard Review (Specify industry checklist, What-If Analysis, HAZOP Analysis, or other) | Date of Process Hazard Review | Who Conducted Hazard Review (Specify outside team, your company, or other) |
|----------------------|--|-------------------------------|--|
| | | | |
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4. Has the Facility experienced an ammonia release in the last five years that resulted in deaths, injuries, significant property or environmental damage, evacuations, or sheltering in place? **Yes** ___ **No** ___

If yes, please include a brief description of the ammonia release, including the date, cause, amount released, and consequences of the release. _____

DECLARATION

Eastern Fisheries, Inc.
22 Antonio Costa Ave
New Bedford, MA 02740

I declare under penalty of perjury that I am the

_____ of _____,
Title **Company**

that I am authorized to respond on behalf of

_____, and that the foregoing is a complete, true,
Company

and correct response.

Executed on _____
Date

Signature

Name and Title

QUESTIONS/INFORMATION REQUESTED

Eastern Fisheries, Inc.
200 R Herman Melville
New Bedford, MA 02740

1. Does the Facility have any refrigeration systems that use anhydrous ammonia? **Yes**
___ **No** ___ How many? _____
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Compliance Assurance and Enforcement Focus: Improving Safety at Facilities in New England with Smaller Ammonia Refrigeration Systems

Ammonia: An Efficient Refrigerant That Must Be Safely Managed

While anhydrous ammonia has many environmental and operational benefits, it is also an extremely hazardous substance that, if accidentally released, presents a significant health hazard because it is corrosive to the skin, eyes, and lungs. Ammonia is also flammable at certain concentrations in air.



EPA inspection photo reveals dangerous ice buildup on ammonia piping and valves.

How Safe Is Your Refrigeration System?

Accidental releases of ammonia from refrigeration facilities have injured or killed people. See <https://www.epa.gov/sites/production/files/2015-02/documents/112reinforcementalert.pdf>

Some of the most dangerous facilities that EPA inspected were not aware of the hazards that their refrigeration systems posed to the public, emergency responders, and employees.

Does Your Facility Use Ammonia Refrigeration?

The Environmental Protection Agency (EPA) would like to work with facilities that have ammonia refrigeration systems to improve their safety, protect workers and the public from exposure to toxic gas, and avoid product losses.

Notice of Compliance Assurance and Enforcement Initiative

EPA is providing advance notice of an upcoming enforcement initiative so that you can take steps now to avoid a penalty before the initiative begins.

The Initiative will focus on ammonia refrigeration facilities using fewer than 10,000 pounds of anhydrous ammonia to enhance their compliance with the General Duty Clause of Section 112(r) of the Clean Air Act ("CAA"), 42 U.S.C. §(r)(1), and with Section 312 of the Emergency Planning and Community Right-to-Know Act (EPCRA), 42 U.S.C. § 11022. Failure to comply with these requirements puts the public at risk of exposure to anhydrous ammonia.

Compliance Help

Go to <https://www.epa.gov/enforcement/compliance-assistance-tools-and-resources-ammonia-refrigeration-sector> for a list of compliance resources, including guidance documents and links to refrigeration-related trade associations.

continued >>

How Can I Comply With The General Duty Clause (GDC)?

The goal of Section 112(r) of the Clean Air Act, 42 U.S.C. § 7412(r), is to reduce the risk of chemical accidents. Owners and operators of stationary sources producing, processing, handling, or storing extremely hazardous substances, including anhydrous ammonia, must:

1. identify hazards which may result from accidental releases using appropriate hazard assessment techniques;
2. design and maintain a safe facility taking steps to prevent releases; and
3. minimize the consequences of accidental releases that do occur.

For more information on the General Duty Clause: <https://www.epa.gov/sites/production/files/documents/gendutyclause-rpt.pdf>.

This Initiative focuses on the first duty listed above. Conduct a comprehensive hazard review of your refrigeration system to comply with the duty to identify hazards. Appropriate hazard identification techniques include standard industry checklists and What-if analyses. See above link for more information. Trade associations may be able to help you find experienced consultants and hazard identification materials.

How will EPA's Initiative Work?

Information Request: EPA has begun preliminary investigations into compliance with the General Duty Clause by facilities that it believes has fewer than 10,000 pounds of ammonia. The primary focus of this Initiative is facilities with more than 1,000 pounds of ammonia. EPA will send brief, targeted Information Requests to selected facilities that it has reason to believe may be out of compliance. Facilities will be required to respond to EPA answering four questions about their ammonia refrigeration systems, including whether a process hazard review has been performed. If a facility has not performed the required hazard review, EPA will inform the facility that it has violated the first duty of the General Duty Clause.

Settlement: Unless a significant release has occurred at the facility, EPA will offer to resolve this violation for a discounted penalty, provided the company agrees to perform a hazard review of its system with the help of an expert. The company will also be required to meet with emergency responders and submit any missing Tier II forms.

Follow-up: EPA will inspect a small subset of facilities to determine if the Initiative has improved compliance with the General Duty Clause.

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Section 312 of EPCRA requires facilities to report the presence of certain chemicals, including anhydrous ammonia, to emergency planning and response agencies. The goal is to ensure that emergency responders and planners know what chemicals are on site should they need to respond to an incident and that people in the community can get information about chemicals in their neighborhood.

What Can I Do Now To Avoid a Penalty?

If you haven't already, conduct a process hazard review. Companies that respond to the Information Request indicating that a hazard review has already been performed will not need to take further action under this Initiative. To avoid EPCRA penalties, see if you qualify for penalty relief under EPA's Audit Policy. Go to https://www.epa.gov/compliance/epas-audit-policy#_bookmark3 for more information and to <https://www.epa.gov/compliance/epas-edisclosure> for EPA's web-based "e-Disclosure" portal.

EPCRA Inventory Forms (Tier II forms) are due annually by March 1.

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U.S. EPA Small Business Resources Information Sheet

The United States Environmental Protection Agency provides an array of resources to help small businesses understand and comply with federal and state environmental laws. In addition to helping small businesses understand their environmental obligations and improve compliance, these resources will also help such businesses find cost-effective ways to comply through pollution prevention techniques and innovative technologies.

Office of Small and Disadvantaged Business Utilization (OSDBU)

www.epa.gov/aboutepa/about-office-small-and-disadvantaged-business-utilization-osdbu

EPA's OSDBU advocates and advances business, regulatory, and environmental compliance concerns of small and socio-economically disadvantaged businesses.

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www.epa.gov/resources-small-businesses/asbestos-small-business-ombudsman or 1-800-368-5888

The EPA ASBO serves as a conduit for small businesses to access EPA and facilitates communications between the small business community and the Agency.

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<https://nationalsbeap.org>

This program provides a "one-stop shop" for small businesses and assistance providers seeking information on a wide range of environmental topics and state-specific environmental compliance assistance resources.

EPA's Compliance Assistance Homepage

www.epa.gov/compliance

This page is a gateway to industry and statute-specific environmental resources, from extensive web-based information to hotlines and compliance assistance specialists.

Compliance Assistance Centers

www.complianceassistance.net

EPA sponsored Compliance Assistance Centers provide information targeted to industries with many small businesses. They were developed in partnership with industry, universities and other federal and state agencies.

Agriculture

www.epa.gov/agriculture

Automotive Recycling

www.ecarcenter.org

Automotive Service and Repair

www.ccar-greenlink.org or 1-888-GRN-LINK

Chemical Manufacturing

www.chemalliance.org

Construction

www.cicacenter.org

Education

www.campuserc.org

Food Processing

www.fpeac.org

Healthcare

www.hercenter.org

Local Government

www.lgean.org

Surface Finishing

<http://www.sterc.org>

Paints and Coatings

www.paintcenter.org

Printing

www.pneac.org

Ports

www.portcompliance.org

Transportation

www.tercenter.org

U.S. Border Compliance and Import/Export Issues

www.bordercenter.org

EPA Hotlines and Clearinghouses

www.epa.gov/home/epa-hotlines

EPA sponsors many free hotlines and clearinghouses that provide convenient assistance regarding environmental requirements. Examples include:

Clean Air Technology Center (CATC) Info-line

www.epa.gov/catc or 1-919-541-0800

Superfund, TRI, EPCRA, RMP, and Oil Information Center

1-800-424-9346

EPA Imported Vehicles and Engines Public Helpline

www.epa.gov/otaq/imports or 1-734-214-4100

National Pesticide Information Center

www.npic.orst.edu or 1-800-858-7378

National Response Center Hotline to report oil and hazardous substance spills -

<http://nrc.uscg.mil> or 1-800-424-8802

Pollution Prevention Information Clearinghouse (PPIC) -

www.epa.gov/p2/pollution-prevention-resources#ppic or 1-202-566-0799

Safe Drinking Water Hotline -

www.epa.gov/ground-water-and-drinking-water/safe-drinking-water-hotline or 1-800-426-4791

Toxic Substances Control Act (TSCA) Hotline

tsc hotline@epa.gov or 1-202-554-1404

Small Entity Compliance Guides

<https://www.epa.gov/reg-flex/small-entity-compliance-guides>

EPA publishes a Small Entity Compliance Guide (SECG) for every rule for which the Agency has prepared a final regulatory flexibility analysis, in accordance with Section 604 of the Regulatory Flexibility Act (RFA).

Regional Small Business Liaisons

www.epa.gov/resources-small-businesses/epa-regional-office-small-business-liaisons

The U.S. Environmental Protection Agency (EPA) Regional Small Business Liaison (RSBL) is the primary regional contact and often the expert on small business assistance, advocacy, and outreach. The RSBL is the regional voice for the EPA Asbestos and Small Business Ombudsman (ASBO).

State Resource Locators

www.envcap.org/statetools

The Locators provide state-specific contacts, regulations and resources covering the major environmental laws.

State Small Business Environmental Assistance Programs (SBEAPs)

<https://nationalsbeap.org/states/list>

State SBEAPs help small businesses and assistance providers understand environmental requirements and sustainable business practices through workshops, trainings and site visits.

EPA's Tribal Portal

www.epa.gov/tribalportal

The Portal helps users locate tribal-related information within EPA and other federal agencies.

EPA Compliance Incentives

EPA provides incentives for environmental compliance. By participating in compliance assistance programs or voluntarily disclosing and promptly correcting violations before an enforcement action has been initiated, businesses may be eligible for penalty waivers or reductions. EPA has two such policies that may apply to small businesses:

EPA's Small Business Compliance Policy

www.epa.gov/enforcement/small-businesses-and-enforcement

EPA's Audit Policy

www.epa.gov/compliance/epas-audit-policy

Commenting on Federal Enforcement Actions and Compliance Activities

The Small Business Regulatory Enforcement Fairness Act (SBREFA) established a SBREFA Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. If you believe that you fall within the Small Business Administration's definition of a small business (based on your North American Industry Classification System designation, number of employees or annual receipts, as defined at 13 C.F.R. 121.201; in most cases, this means a business with 500 or fewer employees), and wish to comment on federal enforcement and compliance activities, call the SBREFA Ombudsman's toll-free number at 1-888-REG-FAIR (1-888-734-3247).

Every small business that is the subject of an enforcement or compliance action is entitled to comment on the Agency's actions without fear of retaliation. EPA employees are prohibited from using enforcement or any other means of retaliation against any member of the regulated community in response to comments made under SBREFA.

Your Duty to Comply

If you receive compliance assistance or submit a comment to the SBREFA Ombudsman or Regional Fairness Boards, you still have the duty to comply with the law, including providing timely responses to EPA information requests, administrative or civil complaints, other enforcement actions or communications. The assistance information and comment processes do not give you any new rights or defenses in any enforcement action. These processes also do not affect EPA's obligation to protect public health or the environment under any of the environmental statutes it enforces, including the right to take emergency remedial or emergency response actions when appropriate. Those decisions will be based on the facts in each situation. The SBREFA Ombudsman and Fairness Boards do not participate in resolving EPA's enforcement actions. Also, remember that to preserve your rights, you need to comply with all rules governing the enforcement process.

EPA is disseminating this information to you without making a determination that your business or organization is a small business as defined by Section 222 of the Small Business Regulatory Enforcement Fairness Act or related provisions.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I
5 POST OFFICE SQUARE SUITE 100
BOSTON, MASSACHUSETTS 02109-3912

MAY 17 2019

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Paul Murphy, Finance VP
Cambridge Brands, Inc.
810 Main St
Cambridge, MA 02139

Re: Information Request Pursuant to the Clean Air Act

Dear Paul Murphy:

In March of 2019, the U.S. Environmental Protection Agency (“EPA”) provided you notice of its plans to begin an enforcement initiative to increase companies’ compliance with the “General Duty Clause” of Section 112(r)(1) of the Clean Air Act (“CAA”), 42 U.S.C. § 7412(r)(1), in certain states. See “Improving Safety at Facilities in New England with Smaller Ammonia Refrigeration Systems” (attached). This notice was widely shared with companies that operate ammonia refrigeration facilities, ammonia suppliers, ammonia contractors, and trade associations. This letter is part of the described initiative.

Please review this letter carefully. It contains an “Information Request” that requires you to submit certain information to EPA within **fifteen (15) days** of your receipt of this letter.

INFORMATION REQUEST

EPA issues this Information Request under the authority of Section 114(a)(1) of the CAA, 42 U.S.C. § 7414(a)(1), which authorizes EPA to require a company to submit such information and conduct such reporting or auditing as EPA may reasonably require to determine compliance with the CAA and to carry out the purposes of the CAA. It requests certain information about the refrigeration system (“Refrigeration System”) at Cambridge Brands, Inc.’s facility at 810 Main St in Cambridge, MA (“Facility”) in order to investigate your compliance with the General Duty Clause of Section 112(r)(1) of the CAA, 42 U.S.C. § 7412(r)(1).

The goal of Section 112(r) of the Clean Air Act, 42 U.S.C. § 7412(r), is to reduce the risk of chemical accidents. Pursuant to the General Duty Clause, owners and operators of stationary sources producing, processing, handling, or storing substances listed pursuant to Section 112(r)(3) of the Clean Air Act, 42 U.S.C. § 7412(r)(3), or any other extremely hazardous substance, have a general duty to:

1. Identify hazards which may result from accidental releases of such substances using appropriate hazard assessment techniques;

2. Design and maintain a safe facility taking such steps as are necessary to prevent releases; and
3. Minimize the consequences of accidental releases that do occur.

Guidance documents that further explain the General Duty Clause may be found at <https://www.epa.gov/enforcement/guidance-implementation-general-duty-clause-clean-air-act-cao-section-112r1-may-2000> and <https://www.epa.gov/sites/production/files/2015-02/documents/112renforcementalert.pdf>. Also, the International Institute of Ammonia Refrigeration has issued industry standards and guidance that can help facilities comply with the General Duty Clause. *See, e.g.*, The Ammonia Refrigeration Management (“ARM”) Program, available through www.iiar.org.

Information obtained by EPA, including chemical inventory (“Tier II”) reports³ submitted by Cambridge Brands, Inc., indicates that the Refrigeration System uses anhydrous ammonia. Anhydrous ammonia is an extremely hazardous substance subject to the General Duty Clause.

While companies have an obligation to comply with all three duties of the General Duty Clause, this Information Request only focuses on Cambridge Brands, Inc.’s compliance with the first duty: the duty to identify hazards which may result from accidental releases of anhydrous ammonia from the Refrigeration System using appropriate hazard techniques. You are required to submit the information requested in the “Information Request” and “Declaration” portions of the enclosed Attachment 1 by filling in all of the blanks with the appropriate information. You can fill out the form by hand, or if you prefer, you may contact EPA to receive an electronic version of the form. Then mail or e-mail the completed form to the EPA person and address listed at the top of Attachment 1.

Compliance with this Information Request is mandatory. Failure to respond fully and truthfully, or to adequately justify any failure to respond, **within fifteen (15) days of receipt of this letter** can result in an enforcement action by EPA pursuant to Section 113 of the CAA, 42 U.S.C. § 7413. This statute permits EPA to seek the imposition of penalties. This Information Request is not subject to Office of Management and Budget review under the Paperwork Reduction Act. Please be further advised that provision of false, fictitious, or fraudulent statements or representations may subject you to criminal penalties.

You may, if you desire, assert a business confidentiality claim covering part or all of the information requested, in the manner described by 40 C.F.R. § 2.203(b). You should read the above-cited regulations carefully before asserting a business confidentiality claim, as certain categories of information are not properly the subject of such a claim. If no such claim accompanies the information submitted, the information may be made available to the public by EPA without further notice to you.

³ Tier II reports are submitted pursuant to Section 312 of the Emergency Planning and Community Right-to-Know Act (“EPCRA”), 42 U.S.C. § 11022.

FOLLOW-UP TO INFORMATION REQUEST

EPA will review Cambridge Brands, Inc.'s response to the Information Request. If the response indicates that Cambridge Brands, Inc. has performed a Process Hazard Review of the Refrigeration System, Cambridge Brands, Inc.'s involvement in this initiative will conclude.

If Cambridge Brands, Inc.'s response reveals a violation of the first duty of the General Duty Clause (*i.e.*, Cambridge Brands, Inc. has **not** performed an analysis of the hazards of the Refrigeration System using appropriate hazard assessment techniques), and that the Facility has not experienced a significant release of ammonia in the last five years (*i.e.*, you answer "no" in response to question 4 of the Information Request), then EPA will follow-up by sending Cambridge Brands, Inc. an offer to resolve this violation quickly and at a steep discount via an Expedited Settlement Agreement ("ESA"). The voluntary ESA will require Cambridge Brands, Inc. to retain a third-party expert to perform a Process Hazard Review of the Refrigeration System using appropriate hazard assessment techniques. The ESA will also require Cambridge Brands, Inc. to meet with the local emergency responders to plan for an emergency response in the event of an ammonia release and to certify that it has filed a Tier II form with local and state emergency responders pursuant to Section 312 of the Emergency Planning and Community Right-to-Know Act, 42 U.S.C. § 11022, and 40 C.F.R. Part 270.

If you have any questions with regard to this Information Request, please contact Mary Jane O'Donnell of my staff at (617) 918-1371 or odonnell.maryjane@epa.gov.

Sincerely,



James Chow, Chief
Enforcement and Compliance Assurance Branch
Enforcement and Compliance Assurance Division

Enclosures

1. Information Request
2. Public Notice of Enforcement Initiative
3. Small Business Information Sheet

cc: Christine Foot, Esq., EPA

ATTACHMENT 1

INFORMATION REQUEST

Instructions: Complete this form and the Declaration and mail or e-mail it to:

Mary Jane O'Donnell, Chief
Waste and Chemical Compliance Section
Enforcement and Compliance Assurance Division
U. S. Environmental Protection Agency, Region I
5 Post Office Square, Suite 100 (Mail Code 05-1)
Boston, Massachusetts 02109-3912
O'donnell.maryjane@epa.gov

Guidance on How to Respond. Please respond fully to each of the questions, using the spaces provided. As part of your response, please complete the enclosed Declaration (see below). Your submission must be a self-explanatory, complete response that is dated and signed by an authorized facility official. It is acceptable to fill out the form by hand, but if you prefer, you may contact EPA to receive an electronic copy of the form.

Continuing Obligation to Provide/Correct Information. If additional information responsive to these questions becomes known or available after answering this request, including, but not limited to, specific information that may be deemed *unknown* at the time of your response, EPA hereby requests, pursuant to Section 114(a)(1) of the CAA, 42 U.S.C. § 7414(a)(1), that you supplement your response to EPA within ten (10) days of discovering such information. If at any time after the submission of this response, you discover or believe that any portion of the submitted information is incomplete or misrepresents the truth, notify Mary Jane O'Donnell of this fact as soon as possible and provide EPA with a corrected response.

QUESTIONS/INFORMATION REQUESTED

Cambridge Brands, Inc.
810 Main St
Cambridge, MA 02139

1. Does the Facility have any refrigeration systems that use anhydrous ammonia? **Yes** ___ **No** ___ How many? _____
2. What is the inventory of anhydrous ammonia contained within each ammonia refrigeration system referenced in your answer to Question 1 above? (list individually)

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I declare under penalty of perjury that I am the

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Compliance Help

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continued >>

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www.epa.gov/aboutepa/about-office-small-and-disadvantaged-business-utilization-osdbu

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Compliance Assistance Centers

www.complianceassistance.net

EPA sponsored Compliance Assistance Centers provide information targeted to industries with many small businesses. They were developed in partnership with industry, universities and other federal and state agencies.

Agriculture

www.epa.gov/agriculture

Automotive Recycling

www.ecarcenter.org

Automotive Service and Repair

www.ccar-greenlink.org or 1-888-GRN-LINK

Chemical Manufacturing

www.chemalliance.org

Construction

www.cicacenter.org

Education

www.campuserc.org

Food Processing

www.fpeac.org

Healthcare

www.hercenter.org

Local Government

www.lgean.org

Surface Finishing

<http://www.sterc.org>

Paints and Coatings

www.paintcenter.org

Printing

www.pneac.org

Ports

www.portcompliance.org

Transportation

www.tercenter.org

U.S. Border Compliance and Import/Export Issues

www.bordercenter.org

EPA Hotlines and Clearinghouses

www.epa.gov/home/epa-hotlines

EPA sponsors many free hotlines and clearinghouses that provide convenient assistance regarding environmental requirements. Examples include:

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Superfund, TRI, EPCRA, RMP, and Oil Information Center

1-800-424-9346

EPA Imported Vehicles and Engines Public Helpline

www.epa.gov/otaq/imports or 1-734-214-4100

National Pesticide Information Center

www.npic.orst.edu or 1-800-858-7378

National Response Center Hotline to report oil and hazardous substance spills - <http://nrc.uscg.mil> or 1-800-424-8802

Pollution Prevention Information Clearinghouse (PPIC) -

www.epa.gov/p2/pollution-prevention-resources#ppic or 1-202-566-0799

Safe Drinking Water Hotline -

www.epa.gov/ground-water-and-drinking-water/safe-drinking-water-hotline or 1-800-426-4791

Toxic Substances Control Act (TSCA) Hotline

tsc hotline@epa.gov or 1-202-554-1404

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www.epa.gov/resources-small-businesses/epa-regional-office-small-business-liaisons

The U.S. Environmental Protection Agency (EPA) Regional Small Business Liaison (RSBL) is the primary regional contact and often the expert on small business assistance, advocacy, and outreach. The RSBL is the regional voice for the EPA Asbestos and Small Business Ombudsman (ASBO).

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The Locators provide state-specific contacts, regulations and resources covering the major environmental laws.

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EPA's Audit Policy

www.epa.gov/compliance/epas-audit-policy

Commenting on Federal Enforcement Actions and Compliance Activities

The Small Business Regulatory Enforcement Fairness Act (SBREFA) established a SBREFA Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. If you believe that you fall within the Small Business Administration's definition of a small business (based on your North American Industry Classification System designation, number of employees or annual receipts, as defined at 13 C.F.R. 121.201; in most cases, this means a business with 500 or fewer employees), and wish to comment on federal enforcement and compliance activities, call the SBREFA Ombudsman's toll-free number at 1-888-REG-FAIR (1-888-734-3247).

Every small business that is the subject of an enforcement or compliance action is entitled to comment on the Agency's actions without fear of retaliation. EPA employees are prohibited from using enforcement or any other means of retaliation against any member of the regulated community in response to comments made under SBREFA.

Your Duty to Comply

If you receive compliance assistance or submit a comment to the SBREFA Ombudsman or Regional Fairness Boards, you still have the duty to comply with the law, including providing timely responses to EPA information requests, administrative or civil complaints, other enforcement actions or communications. The assistance information and comment processes do not give you any new rights or defenses in any enforcement action. These processes also do not affect EPA's obligation to protect public health or the environment under any of the environmental statutes it enforces, including the right to take emergency remedial or emergency response actions when appropriate. Those decisions will be based on the facts in each situation. The SBREFA Ombudsman and Fairness Boards do not participate in resolving EPA's enforcement actions. Also, remember that to preserve your rights, you need to comply with all rules governing the enforcement process.

EPA is disseminating this information to you without making a determination that your business or organization is a small business as defined by Section 222 of the Small Business Regulatory Enforcement Fairness Act or related provisions.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I
5 POST OFFICE SQUARE SUITE 100
BOSTON, MASSACHUSETTS 02109-3912

MAY 17 2019

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Thomas J Mazzetta, President
Gloucester Seafood Processing
21 Great Republic Dr
Gloucester, MA 01930

Re: Information Request Pursuant to the Clean Air Act

Dear Thomas J Mazzetta:

In March of 2019, the U.S. Environmental Protection Agency ("EPA") provided you notice of its plans to begin an enforcement initiative to increase companies' compliance with the "General Duty Clause" of Section 112(r)(1) of the Clean Air Act ("CAA"), 42 U.S.C. § 7412(r)(1), in certain states. See "Improving Safety at Facilities in New England with Smaller Ammonia Refrigeration Systems" (attached). This notice was widely shared with companies that operate ammonia refrigeration facilities, ammonia suppliers, ammonia contractors, and trade associations. This letter is part of the described initiative.

Please review this letter carefully. It contains an "Information Request" that requires you to submit certain information to EPA within **fifteen (15) days** of your receipt of this letter.

INFORMATION REQUEST

EPA issues this Information Request under the authority of Section 114(a)(1) of the CAA, 42 U.S.C. § 7414(a)(1), which authorizes EPA to require a company to submit such information and conduct such reporting or auditing as EPA may reasonably require to determine compliance with the CAA and to carry out the purposes of the CAA. It requests certain information about the refrigeration system ("Refrigeration System") at Gloucester Seafood Processing's facility at 21 Great Republic Dr in Gloucester, MA ("Facility") in order to investigate your compliance with the General Duty Clause of Section 112(r)(1) of the CAA, 42 U.S.C. § 7412(r)(1).

The goal of Section 112(r) of the Clean Air Act, 42 U.S.C. § 7412(r), is to reduce the risk of chemical accidents. Pursuant to the General Duty Clause, owners and operators of stationary sources producing, processing, handling, or storing substances listed pursuant to Section 112(r)(3) of the Clean Air Act, 42 U.S.C. § 7412(r)(3), or any other extremely hazardous substance, have a general duty to:

1. Identify hazards which may result from accidental releases of such substances using appropriate hazard assessment techniques;

2. Design and maintain a safe facility taking such steps as are necessary to prevent releases; and
3. Minimize the consequences of accidental releases that do occur.

Guidance documents that further explain the General Duty Clause may be found at <https://www.epa.gov/enforcement/guidance-implementation-general-duty-clause-clean-air-act-cao-section-112r1-may-2000> and <https://www.epa.gov/sites/production/files/2015-02/documents/112renforcementalert.pdf>. Also, the International Institute of Ammonia Refrigeration has issued industry standards and guidance that can help facilities comply with the General Duty Clause. See, e.g., The Ammonia Refrigeration Management (“ARM”) Program, available through www.iiar.org.

Information obtained by EPA, including chemical inventory (“Tier II”) reports⁴ submitted by Gloucester Seafood Processing, indicates that the Refrigeration System uses anhydrous ammonia. Anhydrous ammonia is an extremely hazardous substance subject to the General Duty Clause.

While companies have an obligation to comply with all three duties of the General Duty Clause, this Information Request only focuses on Gloucester Seafood Processing’s compliance with the first duty: the duty to identify hazards which may result from accidental releases of anhydrous ammonia from the Refrigeration System using appropriate hazard techniques. You are required to submit the information requested in the “Information Request” and “Declaration” portions of the enclosed Attachment 1 by filling in all of the blanks with the appropriate information. You can fill out the form by hand, or if you prefer, you may contact EPA to receive an electronic version of the form. Then mail or e-mail the completed form to the EPA person and address listed at the top of Attachment 1.

Compliance with this Information Request is mandatory. Failure to respond fully and truthfully, or to adequately justify any failure to respond, **within fifteen (15) days of receipt of this letter** can result in an enforcement action by EPA pursuant to Section 113 of the CAA, 42 U.S.C. § 7413. This statute permits EPA to seek the imposition of penalties. This Information Request is not subject to Office of Management and Budget review under the Paperwork Reduction Act. Please be further advised that provision of false, fictitious, or fraudulent statements or representations may subject you to criminal penalties.

You may, if you desire, assert a business confidentiality claim covering part or all of the information requested, in the manner described by 40 C.F.R. § 2.203(b). You should read the above-cited regulations carefully before asserting a business confidentiality claim, as certain categories of information are not properly the subject of such a claim. If no such claim accompanies the information submitted, the information may be made available to the public by EPA without further notice to you.

⁴ Tier II reports are submitted pursuant to Section 312 of the Emergency Planning and Community Right-to-Know Act (“EPCRA”), 42 U.S.C. § 11022.

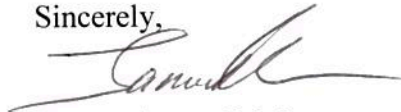
FOLLOW-UP TO INFORMATION REQUEST

EPA will review Gloucester Seafood Processing's response to the Information Request. If the response indicates that Gloucester Seafood Processing has performed a Process Hazard Review of the Refrigeration System, Gloucester Seafood Processing's involvement in this initiative will conclude.

If Gloucester Seafood Processing's response reveals a violation of the first duty of the General Duty Clause (*i.e.*, Gloucester Seafood Processing has **not** performed an analysis of the hazards of the Refrigeration System using appropriate hazard assessment techniques), and that the Facility has not experienced a significant release of ammonia in the last five years (*i.e.*, you answer "no" in response to question 4 of the Information Request), then EPA will follow-up by sending Gloucester Seafood Processing an offer to resolve this violation quickly and at a steep discount via an Expedited Settlement Agreement ("ESA"). The voluntary ESA will require Gloucester Seafood Processing to retain a third-party expert to perform a Process Hazard Review of the Refrigeration System using appropriate hazard assessment techniques. The ESA will also require Gloucester Seafood Processing to meet with the local emergency responders to plan for an emergency response in the event of an ammonia release and to certify that it has filed a Tier II form with local and state emergency responders pursuant to Section 312 of the Emergency Planning and Community Right-to-Know Act, 42 U.S.C. § 11022, and 40 C.F.R. Part 270.

If you have any questions with regard to this Information Request, please contact Mary Jane O'Donnell of my staff at (617) 918-1371 or odonnell.maryjane@epa.gov.

Sincerely,



James Chow, Chief
Enforcement and Compliance Assurance Branch
Enforcement and Compliance Assurance Division

Enclosures

1. Information Request
2. Public Notice of Enforcement Initiative
3. Small Business Information Sheet

cc: Christine Foot, Esq., EPA

ATTACHMENT 1

INFORMATION REQUEST

Instructions: Complete this form and the Declaration and mail or e-mail it to:

Mary Jane O'Donnell, Chief
Waste and Chemical Compliance Section
Enforcement and Compliance Assurance Division
U. S. Environmental Protection Agency, Region I
5 Post Office Square, Suite 100 (Mail Code 05-1)
Boston, Massachusetts 02109-3912
O'donnell.maryjane@epa.gov

Guidance on How to Respond. Please respond fully to each of the questions, using the spaces provided. As part of your response, please complete the enclosed Declaration (see below). Your submission must be a self-explanatory, complete response that is dated and signed by an authorized facility official. It is acceptable to fill out the form by hand, but if you prefer, you may contact EPA to receive an electronic copy of the form.

Continuing Obligation to Provide/Correct Information. If additional information responsive to these questions becomes known or available after answering this request, including, but not limited to, specific information that may be deemed *unknown* at the time of your response, EPA hereby requests, pursuant to Section 114(a)(1) of the CAA, 42 U.S.C. § 7414(a)(1), that you supplement your response to EPA within ten (10) days of discovering such information. If at any time after the submission of this response, you discover or believe that any portion of the submitted information is incomplete or misrepresents the truth, notify Mary Jane O'Donnell of this fact as soon as possible and provide EPA with a corrected response.

QUESTIONS/INFORMATION REQUESTED

Gloucester Seafood Processing
21 Great Republic Dr
Gloucester, MA 01930

1. Does the Facility have any refrigeration systems that use anhydrous ammonia? **Yes** ____ **No** ____ How many? _____
2. What is the inventory of anhydrous ammonia contained within each ammonia refrigeration system referenced in your answer to Question 1 above? (list individually)

| Refrigeration System | Inventory of Anhydrous Ammonia (pounds) |
|----------------------|---|
| | |
| | |
| | |

3. Has a Process Hazard Review been performed on each ammonia refrigeration system referenced in your answer to Questions 1 and 2 above? **Yes** ____ **No** ____

If yes, specify the type of review, the year of the review, and who conducted it.

| Refrigeration System | Type of Process Hazard Review (Specify industry checklist, What-If Analysis, HAZOP Analysis, or other) | Date of Process Hazard Review | Who Conducted Hazard Review (Specify outside team, your company, or other) |
|----------------------|--|-------------------------------|--|
| | | | |
| | | | |
| | | | |

4. Has the Facility experienced an ammonia release in the last five years that resulted in deaths, injuries, significant property or environmental damage, evacuations, or sheltering in place? **Yes** ____ **No** ____

If yes, please include a brief description of the ammonia release, including the date, cause, amount released, and consequences of the release. _____

DECLARATION

Gloucester Seafood Processing
21 Great Republic Dr
Gloucester, MA 01930

I declare under penalty of perjury that I am the

_____ of _____,
Title Company

that I am authorized to respond on behalf of

_____, and that the foregoing is a complete, true,
Company

and correct response.

Executed on _____
Date

Signature

Name and Title

Compliance Assurance and Enforcement Focus: Improving Safety at Facilities in New England with Smaller Ammonia Refrigeration Systems

Ammonia: An Efficient Refrigerant That Must Be Safely Managed

While anhydrous ammonia has many environmental and operational benefits, it is also an extremely hazardous substance that, if accidentally released, presents a significant health hazard because it is corrosive to the skin, eyes, and lungs. Ammonia is also flammable at certain concentrations in air.



EPA inspection photo reveals dangerous ice buildup on ammonia piping and valves.

How Safe Is Your Refrigeration System?

Accidental releases of ammonia from refrigeration facilities have injured or killed people. See <https://www.epa.gov/sites/production/files/2015-02/documents/112renforcementalert.pdf>

Some of the most dangerous facilities that EPA inspected were not aware of the hazards that their refrigeration systems posed to the public, emergency responders, and employees.

Does Your Facility Use Ammonia Refrigeration?

The Environmental Protection Agency (EPA) would like to work with facilities that have ammonia refrigeration systems to improve their safety, protect workers and the public from exposure to toxic gas, and avoid product losses.

Notice of Compliance Assurance and Enforcement Initiative

EPA is providing advance notice of an upcoming enforcement initiative so that you can take steps now to avoid a penalty before the initiative begins.

The Initiative will focus on ammonia refrigeration facilities using fewer than 10,000 pounds of anhydrous ammonia to enhance their compliance with the General Duty Clause of Section 112(r) of the Clean Air Act ("CAA"), 42 U.S.C. §(r)(1), and with Section 312 of the Emergency Planning and Community Right-to-Know Act (EPCRA), 42 U.S.C. § 11022. Failure to comply with these requirements puts the public at risk of exposure to anhydrous ammonia.

Compliance Help

Go to <https://www.epa.gov/enforcement/compliance-assistance-tools-and-resources-ammonia-refrigeration-sector> for a list of compliance resources, including guidance documents and links to refrigeration-related trade associations.

continued >>

How Can I Comply With The General Duty Clause (GDC)?

The goal of Section 112(r) of the Clean Air Act, 42 U.S.C. § 7412(r), is to reduce the risk of chemical accidents. Owners and operators of stationary sources producing, processing, handling, or storing extremely hazardous substances, including anhydrous ammonia, must:

1. identify hazards which may result from accidental releases using appropriate hazard assessment techniques;
2. design and maintain a safe facility taking steps to prevent releases; and
3. minimize the consequences of accidental releases that do occur.

For more information on the General Duty Clause: <https://www.epa.gov/sites/production/files/documents/gendutyclause-rpt.pdf>.

This Initiative focuses on the first duty listed above. Conduct a comprehensive hazard review of your refrigeration system to comply with the duty to identify hazards. Appropriate hazard identification techniques include standard industry checklists and What-if analyses. See above link for more information. Trade associations may be able to help you find experienced consultants and hazard identification materials.

How will EPA's Initiative Work?

Information Request: EPA has begun preliminary investigations into compliance with the General Duty Clause by facilities that it believes has fewer than 10,000 pounds of ammonia. The primary focus of this Initiative is facilities with more than 1,000 pounds of ammonia. EPA will send brief, targeted Information Requests to selected facilities that it has reason to believe may be out of compliance. Facilities will be required to respond to EPA answering four questions about their ammonia refrigeration systems, including whether a process hazard review has been performed. If a facility has not performed the required hazard review, EPA will inform the facility that it has violated the first duty of the General Duty Clause.

Settlement: Unless a significant release has occurred at the facility, EPA will offer to resolve this violation for a discounted penalty, provided the company agrees to perform a hazard review of its system with the help of an expert. The company will also be required to meet with emergency responders and submit any missing Tier II forms.

Follow-up: EPA will inspect a small subset of facilities to determine if the Initiative has improved compliance with the General Duty Clause.

How Can I Comply With EPCRA?

Section 312 of EPCRA requires facilities to report the presence of certain chemicals, including anhydrous ammonia, to emergency planning and response agencies. The goal is to ensure that emergency responders and planners know what chemicals are on site should they need to respond to an incident and that people in the community can get information about chemicals in their neighborhood.

What Can I Do Now To Avoid a Penalty?

If you haven't already, conduct a process hazard review. Companies that respond to the Information Request indicating that a hazard review has already been performed will not need to take further action under this Initiative. To avoid EPCRA penalties, see if you qualify for penalty relief under EPA's Audit Policy. Go to https://www.epa.gov/compliance/epas-audit-policy#_bookmark3 for more information and to <https://www.epa.gov/compliance/epas-edisclosure> for EPA's web-based "e-Disclosure" portal.

EPCRA Inventory Forms (Tier II forms) are due annually by March 1.

For more information about EPCRA reporting, go to: <https://www.epa.gov/epcra>.

U.S. EPA Small Business Resources Information Sheet

The United States Environmental Protection Agency provides an array of resources to help small businesses understand and comply with federal and state environmental laws. In addition to helping small businesses understand their environmental obligations and improve compliance, these resources will also help such businesses find cost-effective ways to comply through pollution prevention techniques and innovative technologies.

Office of Small and Disadvantaged Business Utilization (OSDBU)

www.epa.gov/aboutepa/about-office-small-and-disadvantaged-business-utilization-osdbu

EPA's OSDBU advocates and advances business, regulatory, and environmental compliance concerns of small and socio-economically disadvantaged businesses.

EPA's Asbestos Small Business Ombudsman (ASBO)

www.epa.gov/resources-small-businesses/asbestos-small-business-ombudsman or 1-800-368-5888

The EPA ASBO serves as a conduit for small businesses to access EPA and facilitates communications between the small business community and the Agency.

Small Business Environmental Assistance Program

<https://nationalsbeap.org>

This program provides a "one-stop shop" for small businesses and assistance providers seeking information on a wide range of environmental topics and state-specific environmental compliance assistance resources.

EPA's Compliance Assistance Homepage

www.epa.gov/compliance

This page is a gateway to industry and statute-specific environmental resources, from extensive web-based information to hotlines and compliance assistance specialists.

Compliance Assistance Centers www.complianceassistance.net

EPA sponsored Compliance Assistance Centers provide information targeted to industries with many small businesses. They were developed in partnership with industry, universities and other federal and state agencies.

Agriculture

www.epa.gov/agriculture

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Automotive Service and Repair

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Every small business that is the subject of an enforcement or compliance action is entitled to comment on the Agency's actions without fear of retaliation. EPA employees are prohibited from using enforcement or any other means of retaliation against any member of the regulated community in response to comments made under SBREFA.

Your Duty to Comply

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EPA is disseminating this information to you without making a determination that your business or organization is a small business as defined by Section 222 of the Small Business Regulatory Enforcement Fairness Act or related provisions.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I
5 POST OFFICE SQUARE SUITE 100
BOSTON, MASSACHUSETTS 02109-3912

MAY 17 2019

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Chuck Brandano, Manager
MultiGrains, Inc.
117 Water St
Lawrence, MA 01841

Re: Information Request Pursuant to the Clean Air Act

Dear Chuck Brandano:

In March of 2019, the U.S. Environmental Protection Agency (“EPA”) provided you notice of its plans to begin an enforcement initiative to increase companies’ compliance with the “General Duty Clause” of Section 112(r)(1) of the Clean Air Act (“CAA”), 42 U.S.C. § 7412(r)(1), in certain states. See “Improving Safety at Facilities in New England with Smaller Ammonia Refrigeration Systems” (attached). This notice was widely shared with companies that operate ammonia refrigeration facilities, ammonia suppliers, ammonia contractors, and trade associations. This letter is part of the described initiative.

Please review this letter carefully. It contains an “Information Request” that requires you to submit certain information to EPA within **fifteen (15) days** of your receipt of this letter.

INFORMATION REQUEST

EPA issues this Information Request under the authority of Section 114(a)(1) of the CAA, 42 U.S.C. § 7414(a)(1), which authorizes EPA to require a company to submit such information and conduct such reporting or auditing as EPA may reasonably require to determine compliance with the CAA and to carry out the purposes of the CAA. It requests certain information about the refrigeration system (“Refrigeration System”) at MultiGrains, Inc.’s facility at 117 Water St in Lawrence, MA (“Facility”) in order to investigate your compliance with the General Duty Clause of Section 112(r)(1) of the CAA, 42 U.S.C. § 7412(r)(1).

The goal of Section 112(r) of the Clean Air Act, 42 U.S.C. § 7412(r), is to reduce the risk of chemical accidents. Pursuant to the General Duty Clause, owners and operators of stationary sources producing, processing, handling, or storing substances listed pursuant to Section 112(r)(3) of the Clean Air Act, 42 U.S.C. § 7412(r)(3), or any other extremely hazardous substance, have a general duty to:

1. Identify hazards which may result from accidental releases of such substances using appropriate hazard assessment techniques;

2. Design and maintain a safe facility taking such steps as are necessary to prevent releases; and
3. Minimize the consequences of accidental releases that do occur.

Guidance documents that further explain the General Duty Clause may be found at <https://www.epa.gov/enforcement/guidance-implementation-general-duty-clause-clean-air-act-cao-section-112r1-may-2000> and <https://www.epa.gov/sites/production/files/2015-02/documents/112renforcementalert.pdf>. Also, the International Institute of Ammonia Refrigeration has issued industry standards and guidance that can help facilities comply with the General Duty Clause. *See, e.g.*, The Ammonia Refrigeration Management (“ARM”) Program, available through www.iiar.org.

Information obtained by EPA, including chemical inventory (“Tier II”) reports⁵ submitted by MultiGrains, Inc, indicates that the Refrigeration System uses anhydrous ammonia. Anhydrous ammonia is an extremely hazardous substance subject to the General Duty Clause.

While companies have an obligation to comply with all three duties of the General Duty Clause, this Information Request only focuses on MultiGrains, Inc’s compliance with the first duty: the duty to identify hazards which may result from accidental releases of anhydrous ammonia from the Refrigeration System using appropriate hazard techniques. You are required to submit the information requested in the “Information Request” and “Declaration” portions of the enclosed Attachment 1 by filling in all of the blanks with the appropriate information. You can fill out the form by hand, or if you prefer, you may contact EPA to receive an electronic version of the form. Then mail or e-mail the completed form to the EPA person and address listed at the top of Attachment 1.

Compliance with this Information Request is mandatory. Failure to respond fully and truthfully, or to adequately justify any failure to respond, **within fifteen (15) days of receipt of this letter** can result in an enforcement action by EPA pursuant to Section 113 of the CAA, 42 U.S.C. § 7413. This statute permits EPA to seek the imposition of penalties. This Information Request is not subject to Office of Management and Budget review under the Paperwork Reduction Act. Please be further advised that provision of false, fictitious, or fraudulent statements or representations may subject you to criminal penalties.

You may, if you desire, assert a business confidentiality claim covering part or all of the information requested, in the manner described by 40 C.F.R. § 2.203(b). You should read the above-cited regulations carefully before asserting a business confidentiality claim, as certain categories of information are not properly the subject of such a claim. If no such claim accompanies the information submitted, the information may be made available to the public by EPA without further notice to you.

⁵ Tier II reports are submitted pursuant to Section 312 of the Emergency Planning and Community Right-to-Know Act (“EPCRA”), 42 U.S.C. § 11022.

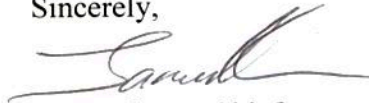
FOLLOW-UP TO INFORMATION REQUEST

EPA will review MultiGrains, Inc's response to the Information Request. If the response indicates that MultiGrains, Inc has performed a Process Hazard Review of the Refrigeration System, MultiGrains, Inc's involvement in this initiative will conclude.

If MultiGrains, Inc's response reveals a violation of the first duty of the General Duty Clause (*i.e.*, MultiGrains, Inc has **not** performed an analysis of the hazards of the Refrigeration System using appropriate hazard assessment techniques), and that the Facility has not experienced a significant release of ammonia in the last five years (*i.e.*, you answer "no" in response to question 4 of the Information Request), then EPA will follow-up by sending MultiGrains, Inc an offer to resolve this violation quickly and at a steep discount via an Expedited Settlement Agreement ("ESA"). The voluntary ESA will require MultiGrains, Inc to retain a third-party expert to perform a Process Hazard Review of the Refrigeration System using appropriate hazard assessment techniques. The ESA will also require MultiGrains, Inc to meet with the local emergency responders to plan for an emergency response in the event of an ammonia release and to certify that it has filed a Tier II form with local and state emergency responders pursuant to Section 312 of the Emergency Planning and Community Right-to-Know Act, 42 U.S.C. § 11022, and 40 C.F.R. Part 270.

If you have any questions with regard to this Information Request, please contact Mary Jane O'Donnell of my staff at (617) 918-1371 or odonnell.maryjane@epa.gov.

Sincerely,



James Chow, Chief
Enforcement and Compliance Assurance Branch
Enforcement and Compliance Assurance Division

Enclosures

1. Information Request
2. Public Notice of Enforcement Initiative
3. Small Business Information Sheet

cc: Christine Foot, Esq., EPA

ATTACHMENT 1

INFORMATION REQUEST

Instructions: Complete this form and the Declaration and mail or e-mail it to:

Mary Jane O'Donnell, Chief
Waste and Chemical Compliance Section
Enforcement and Compliance Assurance Division
U. S. Environmental Protection Agency, Region I
5 Post Office Square, Suite 100 (Mail Code 05-1)
Boston, Massachusetts 02109-3912
O'donnell.maryjane@epa.gov

Guidance on How to Respond. Please respond fully to each of the questions, using the spaces provided. As part of your response, please complete the enclosed Declaration (see below). Your submission must be a self-explanatory, complete response that is dated and signed by an authorized facility official. It is acceptable to fill out the form by hand, but if you prefer, you may contact EPA to receive an electronic copy of the form.

Continuing Obligation to Provide/Correct Information. If additional information responsive to these questions becomes known or available after answering this request, including, but not limited to, specific information that may be deemed *unknown* at the time of your response, EPA hereby requests, pursuant to Section 114(a)(1) of the CAA, 42 U.S.C. § 7414(a)(1), that you supplement your response to EPA within ten (10) days of discovering such information. If at any time after the submission of this response, you discover or believe that any portion of the submitted information is incomplete or misrepresents the truth, notify Mary Jane O'Donnell of this fact as soon as possible and provide EPA with a corrected response.

QUESTIONS/INFORMATION REQUESTED

MultiGrains, Inc.
117 Water St
Lawrence, MA 01841

1. Does the Facility have any refrigeration systems that use anhydrous ammonia? **Yes** ___ **No** ___ How many? _____
2. What is the inventory of anhydrous ammonia contained within each ammonia refrigeration system referenced in your answer to Question 1 above? (list individually)

| Refrigeration System | Inventory of Anhydrous Ammonia (pounds) |
|----------------------|---|
| | |
| | |
| | |

3. Has a Process Hazard Review been performed on each ammonia refrigeration system referenced in your answer to Questions 1 and 2 above? **Yes** ___ **No** ___

If yes, specify the type of review, the year of the review, and who conducted it.

| Refrigeration System | Type of Process Hazard Review (Specify industry checklist, What-If Analysis, HAZOP Analysis, or other) | Date of Process Hazard Review | Who Conducted Hazard Review (Specify outside team, your company, or other) |
|----------------------|--|-------------------------------|--|
| | | | |
| | | | |
| | | | |

4. Has the Facility experienced an ammonia release in the last five years that resulted in deaths, injuries, significant property or environmental damage, evacuations, or sheltering in place? **Yes** ___ **No** ___

If yes, please include a brief description of the ammonia release, including the date, cause, amount released, and consequences of the release. _____

DECLARATION

MultiGrains, Inc.
117 Water St
Lawrence, MA 01841

I declare under penalty of perjury that I am the

_____ of _____,
Title **Company**

that I am authorized to respond on behalf of

_____, and that the foregoing is a complete, true,
Company

and correct response.

Executed on _____
Date

Signature

Name and Title

Compliance Assurance and Enforcement Focus: Improving Safety at Facilities in New England with Smaller Ammonia Refrigeration Systems

Ammonia: An Efficient Refrigerant That Must Be Safely Managed

While anhydrous ammonia has many environmental and operational benefits, it is also an extremely hazardous substance that, if accidentally released, presents a significant health hazard because it is corrosive to the skin, eyes, and lungs. Ammonia is also flammable at certain concentrations in air.



EPA inspection photo reveals dangerous ice buildup on ammonia piping and valves.

How Safe Is Your Refrigeration System?

Accidental releases of ammonia from refrigeration facilities have injured or killed people. See <https://www.epa.gov/sites/production/files/2015-02/documents/112renforcementalert.pdf>

Some of the most dangerous facilities that EPA inspected were not aware of the hazards that their refrigeration systems posed to the public, emergency responders, and employees.

Does Your Facility Use Ammonia Refrigeration?

The Environmental Protection Agency (EPA) would like to work with facilities that have ammonia refrigeration systems to improve their safety, protect workers and the public from exposure to toxic gas, and avoid product losses.

Notice of Compliance Assurance and Enforcement Initiative

EPA is providing advance notice of an upcoming enforcement initiative so that you can take steps now to avoid a penalty before the initiative begins.

The Initiative will focus on ammonia refrigeration facilities using fewer than 10,000 pounds of anhydrous ammonia to enhance their compliance with the General Duty Clause of Section 112(r) of the Clean Air Act ("CAA"), 42 U.S.C. § (r)(1), and with Section 312 of the Emergency Planning and Community Right-to-Know Act (EPCRA), 42 U.S.C. § 11022. Failure to comply with these requirements puts the public at risk of exposure to anhydrous ammonia.

Compliance Help

Go to <https://www.epa.gov/enforcement/compliance-assistance-tools-and-resources-ammonia-refrigeration-sector> for a list of compliance resources, including guidance documents and links to refrigeration-related trade associations.

continued >>

How Can I Comply With The General Duty Clause (GDC)?

The goal of Section 112(r) of the Clean Air Act, 42 U.S.C. § 7412(r), is to reduce the risk of chemical accidents. Owners and operators of stationary sources producing, processing, handling, or storing extremely hazardous substances, including anhydrous ammonia, must:

1. identify hazards which may result from accidental releases using appropriate hazard assessment techniques;
2. design and maintain a safe facility taking steps to prevent releases; and
3. minimize the consequences of accidental releases that do occur.

For more information on the General Duty Clause: <https://www.epa.gov/sites/production/files/documents/gendutyclause-rpt.pdf>.

This Initiative focuses on the first duty listed above. Conduct a comprehensive hazard review of your refrigeration system to comply with the duty to identify hazards. Appropriate hazard identification techniques include standard industry checklists and What-if analyses. See above link for more information. Trade associations may be able to help you find experienced consultants and hazard identification materials.

How will EPA's Initiative Work?

Information Request: EPA has begun preliminary investigations into compliance with the General Duty Clause by facilities that it believes has fewer than 10,000 pounds of ammonia. The primary focus of this Initiative is facilities with more than 1,000 pounds of ammonia. EPA will send brief, targeted Information Requests to selected facilities that it has reason to believe may be out of compliance. Facilities will be required to respond to EPA answering four questions about their ammonia refrigeration systems, including whether a process hazard review has been performed. If a facility has not performed the required hazard review, EPA will inform the facility that it has violated the first duty of the General Duty Clause.

Settlement: Unless a significant release has occurred at the facility, EPA will offer to resolve this violation for a discounted penalty, provided the company agrees to perform a hazard review of its system with the help of an expert. The company will also be required to meet with emergency responders and submit any missing Tier II forms.

Follow-up: EPA will inspect a small subset of facilities to determine if the Initiative has improved compliance with the General Duty Clause.

How Can I Comply With EPCRA?

Section 312 of EPCRA requires facilities to report the presence of certain chemicals, including anhydrous ammonia, to emergency planning and response agencies. The goal is to ensure that emergency responders and planners know what chemicals are on site should they need to respond to an incident and that people in the community can get information about chemicals in their neighborhood.

What Can I Do Now To Avoid a Penalty?

If you haven't already, conduct a process hazard review. Companies that respond to the Information Request indicating that a hazard review has already been performed will not need to take further action under this Initiative. To avoid EPCRA penalties, see if you qualify for penalty relief under EPA's Audit Policy. Go to https://www.epa.gov/compliance/epas-audit-policy#_bookmark3 for more information and to <https://www.epa.gov/compliance/epas-edisclosure> for EPA's web-based "e-Disclosure" portal.

EPCRA Inventory Forms (Tier II forms) are due annually by March 1.

For more information about EPCRA reporting, go to: <https://www.epa.gov/epcra>.

U.S. EPA Small Business Resources Information Sheet

The United States Environmental Protection Agency provides an array of resources to help small businesses understand and comply with federal and state environmental laws. In addition to helping small businesses understand their environmental obligations and improve compliance, these resources will also help such businesses find cost-effective ways to comply through pollution prevention techniques and innovative technologies.

Office of Small and Disadvantaged Business Utilization (OSDBU)

www.epa.gov/aboutepa/about-office-small-and-disadvantaged-business-utilization-osdbu

EPA's OSDBU advocates and advances business, regulatory, and environmental compliance concerns of small and socio-economically disadvantaged businesses.

EPA's Asbestos Small Business Ombudsman (ASBO)

www.epa.gov/resources-small-businesses/asbestos-small-business-ombudsman or 1-800-368-5888

The EPA ASBO serves as a conduit for small businesses to access EPA and facilitates communications between the small business community and the Agency.

Small Business Environmental Assistance Program

<https://nationalsbeap.org>

This program provides a "one-stop shop" for small businesses and assistance providers seeking information on a wide range of environmental topics and state-specific environmental compliance assistance resources.

EPA's Compliance Assistance Homepage

www.epa.gov/compliance

This page is a gateway to industry and statute-specific environmental resources, from extensive web-based information to hotlines and compliance assistance specialists.

Compliance Assistance Centers

www.complianceassistance.net

EPA sponsored Compliance Assistance Centers provide information targeted to industries with many small businesses. They were developed in partnership with industry, universities and other federal and state agencies.

Agriculture

www.epa.gov/agriculture

Automotive Recycling

www.ecarcenter.org

Automotive Service and Repair

www.ccar-greenlink.org or 1-888-GRN-LINK

Chemical Manufacturing

www.chemalliance.org

Construction

www.cicacenter.org

Education

www.campuserc.org

Food Processing

www.fpeac.org

Healthcare

www.hercenter.org

Local Government

www.lgean.org

Surface Finishing

<http://www.sterc.org>

Paints and Coatings

www.paintcenter.org

Printing

www.pneac.org

Ports

www.portcompliance.org

Transportation

www.tercenter.org

U.S. Border Compliance and Import/Export Issues

www.bordercenter.org

EPA Hotlines and Clearinghouses

www.epa.gov/home/epa-hotlines

EPA sponsors many free hotlines and clearinghouses that provide convenient assistance regarding environmental requirements. Examples include:

Clean Air Technology Center (CATC) Info-line

www.epa.gov/catc or 1-919-541-0800

Superfund, TRI, EPCRA, RMP, and Oil Information Center

1-800-424-9346

EPA Imported Vehicles and Engines Public Helpline

www.epa.gov/otaq/imports or 1-734-214-4100

National Pesticide Information Center

www.npic.orst.edu or 1-800-858-7378

National Response Center Hotline to report oil and hazardous substance spills - <http://nrc.uscg.mil> or 1-800-424-8802

Pollution Prevention Information Clearinghouse (PPIC) -

www.epa.gov/p2/pollution-prevention-resources#ppic or 1-202-566-0799

Safe Drinking Water Hotline -

www.epa.gov/ground-water-and-drinking-water/safe-drinking-water-hotline or 1-800-426-4791

Toxic Substances Control Act (TSCA) Hotline

tsc hotline@epa.gov or 1-202-554-1404

Small Entity Compliance Guides

<https://www.epa.gov/reg-flex/small-entity-compliance-guides>

EPA publishes a Small Entity Compliance Guide (SECG) for every rule for which the Agency has prepared a final regulatory flexibility analysis, in accordance with Section 604 of the Regulatory Flexibility Act (RFA).

Regional Small Business Liaisons

www.epa.gov/resources-small-businesses/epa-regional-office-small-business-liaisons

The U.S. Environmental Protection Agency (EPA) Regional Small Business Liaison (RSBL) is the primary regional contact and often the expert on small business assistance, advocacy, and outreach. The RSBL is the regional voice for the EPA Asbestos and Small Business Ombudsman (ASBO).

State Resource Locators

www.envcap.org/statetools

The Locators provide state-specific contacts, regulations and resources covering the major environmental laws.

State Small Business Environmental Assistance Programs (SBEAPs)

<https://nationalsbeap.org/states/list>

State SBEAPs help small businesses and assistance providers understand environmental requirements and sustainable business practices through workshops, trainings and site visits.

EPA's Tribal Portal

www.epa.gov/tribalportal

The Portal helps users locate tribal-related information within EPA and other federal agencies.

EPA Compliance Incentives

EPA provides incentives for environmental compliance. By participating in compliance assistance programs or voluntarily disclosing and promptly correcting violations before an enforcement action has been initiated, businesses may be eligible for penalty waivers or reductions. EPA has two such policies that may apply to small businesses:

EPA's Small Business Compliance Policy

www.epa.gov/enforcement/small-businesses-and-enforcement

EPA's Audit Policy

www.epa.gov/compliance/epas-audit-policy

Commenting on Federal Enforcement Actions and Compliance Activities

The Small Business Regulatory Enforcement Fairness Act (SBREFA) established a SBREFA Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. If you believe that you fall within the Small Business Administration's definition of a small business (based on your North American Industry Classification System designation, number of employees or annual receipts, as defined at 13 C.F.R. 121.201; in most cases, this means a business with 500 or fewer employees), and wish to comment on federal enforcement and compliance activities, call the SBREFA Ombudsman's toll-free number at 1-888-REG-FAIR (1-888-734-3247).

Every small business that is the subject of an enforcement or compliance action is entitled to comment on the Agency's actions without fear of retaliation. EPA employees are prohibited from using enforcement or any other means of retaliation against any member of the regulated community in response to comments made under SBREFA.

Your Duty to Comply

If you receive compliance assistance or submit a comment to the SBREFA Ombudsman or Regional Fairness Boards, you still have the duty to comply with the law, including providing timely responses to EPA information requests, administrative or civil complaints, other enforcement actions or communications. The assistance information and comment processes do not give you any new rights or defenses in any enforcement action. These processes also do not affect EPA's obligation to protect public health or the environment under any of the environmental statutes it enforces, including the right to take emergency remedial or emergency response actions when appropriate. Those decisions will be based on the facts in each situation. The SBREFA Ombudsman and Fairness Boards do not participate in resolving EPA's enforcement actions. Also, remember that to preserve your rights, you need to comply with all rules governing the enforcement process.

EPA is disseminating this information to you without making a determination that your business or organization is a small business as defined by Section 222 of the Small Business Regulatory Enforcement Fairness Act or related provisions.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I
5 POST OFFICE SQUARE SUITE 100
BOSTON, MASSACHUSETTS 02109-3912

MAY 17 2019

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Jeffrey Corin, President
New Boston Food Market
15 Widett Circle
Boston, MA 02118

Re: Information Request Pursuant to the Clean Air Act

Dear Jeffrey Corin:

In March of 2019, the U.S. Environmental Protection Agency (“EPA”) provided you notice of its plans to begin an enforcement initiative to increase companies’ compliance with the “General Duty Clause” of Section 112(r)(1) of the Clean Air Act (“CAA”), 42 U.S.C. § 7412(r)(1), in certain states. See “Improving Safety at Facilities in New England with Smaller Ammonia Refrigeration Systems” (attached). This notice was widely shared with companies that operate ammonia refrigeration facilities, ammonia suppliers, ammonia contractors, and trade associations. This letter is part of the described initiative.

Please review this letter carefully. It contains an “Information Request” that requires you to submit certain information to EPA within **fifteen (15) days** of your receipt of this letter.

INFORMATION REQUEST

EPA issues this Information Request under the authority of Section 114(a)(1) of the CAA, 42 U.S.C. § 7414(a)(1), which authorizes EPA to require a company to submit such information and conduct such reporting or auditing as EPA may reasonably require to determine compliance with the CAA and to carry out the purposes of the CAA. It requests certain information about the refrigeration system (“Refrigeration System”) at New Boston Food Market’s facility at 15 Widett Circle in Boston, MA (“Facility”) in order to investigate your compliance with the General Duty Clause of Section 112(r)(1) of the CAA, 42 U.S.C. § 7412(r)(1).

The goal of Section 112(r) of the Clean Air Act, 42 U.S.C. § 7412(r), is to reduce the risk of chemical accidents. Pursuant to the General Duty Clause, owners and operators of stationary sources producing, processing, handling, or storing substances listed pursuant to Section 112(r)(3) of the Clean Air Act, 42 U.S.C. § 7412(r)(3), or any other extremely hazardous substance, have a general duty to:

1. Identify hazards which may result from accidental releases of such substances using appropriate hazard assessment techniques;

2. Design and maintain a safe facility taking such steps as are necessary to prevent releases; and
3. Minimize the consequences of accidental releases that do occur.

Guidance documents that further explain the General Duty Clause may be found at <https://www.epa.gov/enforcement/guidance-implementation-general-duty-clause-clean-air-act-cao-section-112r1-may-2000> and <https://www.epa.gov/sites/production/files/2015-02/documents/112renforcementalert.pdf>. Also, the International Institute of Ammonia Refrigeration has issued industry standards and guidance that can help facilities comply with the General Duty Clause. *See, e.g.*, The Ammonia Refrigeration Management (“ARM”) Program, available through www.iiar.org.

Information obtained by EPA, including chemical inventory (“Tier II”) reports⁶ submitted by New Boston Food Market, indicates that the Refrigeration System uses anhydrous ammonia. Anhydrous ammonia is an extremely hazardous substance subject to the General Duty Clause.

While companies have an obligation to comply with all three duties of the General Duty Clause, this Information Request only focuses on New Boston Food Market’s compliance with the first duty: the duty to identify hazards which may result from accidental releases of anhydrous ammonia from the Refrigeration System using appropriate hazard techniques. You are required to submit the information requested in the “Information Request” and “Declaration” portions of the enclosed Attachment 1 by filling in all of the blanks with the appropriate information. You can fill out the form by hand, or if you prefer, you may contact EPA to receive an electronic version of the form. Then mail or e-mail the completed form to the EPA person and address listed at the top of Attachment 1.

Compliance with this Information Request is mandatory. Failure to respond fully and truthfully, or to adequately justify any failure to respond, **within fifteen (15) days of receipt of this letter** can result in an enforcement action by EPA pursuant to Section 113 of the CAA, 42 U.S.C. § 7413. This statute permits EPA to seek the imposition of penalties. This Information Request is not subject to Office of Management and Budget review under the Paperwork Reduction Act. Please be further advised that provision of false, fictitious, or fraudulent statements or representations may subject you to criminal penalties.

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⁶ Tier II reports are submitted pursuant to Section 312 of the Emergency Planning and Community Right-to-Know Act (“EPCRA”), 42 U.S.C. § 11022.

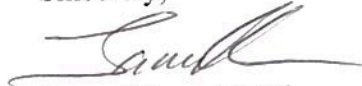
FOLLOW-UP TO INFORMATION REQUEST

EPA will review New Boston Food Market's response to the Information Request. If the response indicates that New Boston Food Market has performed a Process Hazard Review of the Refrigeration System, New Boston Food Market's involvement in this initiative will conclude.

If New Boston Food Market's response reveals a violation of the first duty of the General Duty Clause (*i.e.*, New Boston Food Market has **not** performed an analysis of the hazards of the Refrigeration System using appropriate hazard assessment techniques), and that the Facility has not experienced a significant release of ammonia in the last five years (*i.e.*, you answer "no" in response to question 4 of the Information Request), then EPA will follow-up by sending New Boston Food Market an offer to resolve this violation quickly and at a steep discount via an Expedited Settlement Agreement ("ESA"). The voluntary ESA will require New Boston Food Market to retain a third-party expert to perform a Process Hazard Review of the Refrigeration System using appropriate hazard assessment techniques. The ESA will also require New Boston Food Market to meet with the local emergency responders to plan for an emergency response in the event of an ammonia release and to certify that it has filed a Tier II form with local and state emergency responders pursuant to Section 312 of the Emergency Planning and Community Right-to-Know Act, 42 U.S.C. § 11022, and 40 C.F.R. Part 270.

If you have any questions with regard to this Information Request, please contact Mary Jane O'Donnell of my staff at (617) 918-1371 or odonnell.maryjane@epa.gov.

Sincerely,



James Chow, Chief
Enforcement and Compliance Assurance Branch
Enforcement and Compliance Assurance Division

Enclosures

1. Information Request
2. Public Notice of Enforcement Initiative
3. Small Business Information Sheet

cc: Christine Foot, Esq., EPA

ATTACHMENT 1

INFORMATION REQUEST

Instructions: Complete this form and the Declaration and mail or e-mail it to:

Mary Jane O'Donnell, Chief
Waste and Chemical Compliance Section
Enforcement and Compliance Assurance Division
U. S. Environmental Protection Agency, Region I
5 Post Office Square, Suite 100 (Mail Code 05-1)
Boston, Massachusetts 02109-3912
O'donnell.maryjane@epa.gov

Guidance on How to Respond. Please respond fully to each of the questions, using the spaces provided. As part of your response, please complete the enclosed Declaration (see below). Your submission must be a self-explanatory, complete response that is dated and signed by an authorized facility official. It is acceptable to fill out the form by hand, but if you prefer, you may contact EPA to receive an electronic copy of the form.

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QUESTIONS/INFORMATION REQUESTED

New Boston Food Market
15 Widett Circle
Boston, MA 02118

1. Does the Facility have any refrigeration systems that use anhydrous ammonia? **Yes** ___ **No** ___ How many? _____
2. What is the inventory of anhydrous ammonia contained within each ammonia refrigeration system referenced in your answer to Question 1 above? (list individually)

| Refrigeration System | Inventory of Anhydrous Ammonia (pounds) |
|----------------------|---|
| | |
| | |
| | |

3. Has a Process Hazard Review been performed on each ammonia refrigeration system referenced in your answer to Questions 1 and 2 above? **Yes** ___ **No** ___

If yes, specify the type of review, the year of the review, and who conducted it.

| Refrigeration System | Type of Process Hazard Review (Specify industry checklist, What-If Analysis, HAZOP Analysis, or other) | Date of Process Hazard Review | Who Conducted Hazard Review (Specify outside team, your company, or other) |
|----------------------|--|-------------------------------|--|
| | | | |
| | | | |
| | | | |

4. Has the Facility experienced an ammonia release in the last five years that resulted in deaths, injuries, significant property or environmental damage, evacuations, or sheltering in place? **Yes** ___ **No** ___

If yes, please include a brief description of the ammonia release, including the date, cause, amount released, and consequences of the release. _____

DECLARATION

New Boston Food Market
15 Widett Circle
Boston, MA 02118

I declare under penalty of perjury that I am the

_____ of _____,
Title Company

that I am authorized to respond on behalf of

_____, and that the foregoing is a complete, true,
Company

and correct response.

Executed on _____
Date

Signature

Name and Title

Compliance Assurance and Enforcement Focus: Improving Safety at Facilities in New England with Smaller Ammonia Refrigeration Systems

Ammonia: An Efficient Refrigerant That Must Be Safely Managed

While anhydrous ammonia has many environmental and operational benefits, it is also an extremely hazardous substance that, if accidentally released, presents a significant health hazard because it is corrosive to the skin, eyes, and lungs. Ammonia is also flammable at certain concentrations in air.



EPA inspection photo reveals dangerous ice buildup on ammonia piping and valves.

How Safe Is Your Refrigeration System?

Accidental releases of ammonia from refrigeration facilities have injured or killed people. See <https://www.epa.gov/sites/production/files/2015-02/documents/112reinforcementalert.pdf>

Some of the most dangerous facilities that EPA inspected were not aware of the hazards that their refrigeration systems posed to the public, emergency responders, and employees.

Does Your Facility Use Ammonia Refrigeration?

The Environmental Protection Agency (EPA) would like to work with facilities that have ammonia refrigeration systems to improve their safety, protect workers and the public from exposure to toxic gas, and avoid product losses.

Notice of Compliance Assurance and Enforcement Initiative

EPA is providing advance notice of an upcoming enforcement initiative so that you can take steps now to avoid a penalty before the initiative begins.

The Initiative will focus on ammonia refrigeration facilities using fewer than 10,000 pounds of anhydrous ammonia to enhance their compliance with the General Duty Clause of Section 112(r) of the Clean Air Act ("CAA"), 42 U.S.C. §(r)(1), and with Section 312 of the Emergency Planning and Community Right-to-Know Act (EPCRA), 42 U.S.C. § 11022. Failure to comply with these requirements puts the public at risk of exposure to anhydrous ammonia.

Compliance Help

Go to <https://www.epa.gov/enforcement/compliance-assistance-tools-and-resources-ammonia-refrigeration-sector> for a list of compliance resources, including guidance documents and links to refrigeration-related trade associations.

continued >>

How Can I Comply With The General Duty Clause (GDC)?

The goal of Section 112(r) of the Clean Air Act, 42 U.S.C. § 7412(r), is to reduce the risk of chemical accidents. Owners and operators of stationary sources producing, processing, handling, or storing extremely hazardous substances, including anhydrous ammonia, must:

1. identify hazards which may result from accidental releases using appropriate hazard assessment techniques;
2. design and maintain a safe facility taking steps to prevent releases; and
3. minimize the consequences of accidental releases that do occur.

For more information on the General Duty Clause: <https://www.epa.gov/sites/production/files/documents/gendutyclause-rpt.pdf>.

This Initiative focuses on the first duty listed above. Conduct a comprehensive hazard review of your refrigeration system to comply with the duty to identify hazards. Appropriate hazard identification techniques include standard industry checklists and What-if analyses. See above link for more information. Trade associations may be able to help you find experienced consultants and hazard identification materials.

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Information Request: EPA has begun preliminary investigations into compliance with the General Duty Clause by facilities that it believes has fewer than 10,000 pounds of ammonia. The primary focus of this Initiative is facilities with more than 1,000 pounds of ammonia. EPA will send brief, targeted Information Requests to selected facilities that it has reason to believe may be out of compliance. Facilities will be required to respond to EPA answering four questions about their ammonia refrigeration systems, including whether a process hazard review has been performed. If a facility has not performed the required hazard review, EPA will inform the facility that it has violated the first duty of the General Duty Clause.

Settlement: Unless a significant release has occurred at the facility, EPA will offer to resolve this violation for a discounted penalty, provided the company agrees to perform a hazard review of its system with the help of an expert. The company will also be required to meet with emergency responders and submit any missing Tier II forms.

Follow-up: EPA will inspect a small subset of facilities to determine if the Initiative has improved compliance with the General Duty Clause.

How Can I Comply With EPCRA?

Section 312 of EPCRA requires facilities to report the presence of certain chemicals, including anhydrous ammonia, to emergency planning and response agencies. The goal is to ensure that emergency responders and planners know what chemicals are on site should they need to respond to an incident and that people in the community can get information about chemicals in their neighborhood.

What Can I Do Now To Avoid a Penalty?

If you haven't already, conduct a process hazard review. Companies that respond to the Information Request indicating that a hazard review has already been performed will not need to take further action under this Initiative. To avoid EPCRA penalties, see if you qualify for penalty relief under EPA's Audit Policy. Go to https://www.epa.gov/compliance/epas-audit-policy#_bookmark3 for more information and to <https://www.epa.gov/compliance/epas-edisclosure> for EPA's web-based "e-Disclosure" portal.

EPCRA Inventory Forms (Tier II forms) are due annually by March 1.

For more information about EPCRA reporting, go to: <https://www.epa.gov/epcra>.

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The United States Environmental Protection Agency provides an array of resources to help small businesses understand and comply with federal and state environmental laws. In addition to helping small businesses understand their environmental obligations and improve compliance, these resources will also help such businesses find cost-effective ways to comply through pollution prevention techniques and innovative technologies.

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www.epa.gov/aboutepa/about-office-small-and-disadvantaged-business-utilization-osdbu

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www.epa.gov/agriculture

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www.ecarcenter.org

Automotive Service and Repair

www.ccar-greenlink.org or 1-888-GRN-LINK

Chemical Manufacturing

www.chemalliance.org

Construction

www.cicacenter.org

Education

www.campuserc.org

Food Processing

www.fpeac.org

Healthcare

www.hercenter.org

Local Government

www.lgean.org

Surface Finishing

<http://www.sterc.org>

Paints and Coatings

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www.pneac.org

Ports

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EPA is disseminating this information to you without making a determination that your business or organization is a small business as defined by Section 222 of the Small Business Regulatory Enforcement Fairness Act or related provisions.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I
5 POST OFFICE SQUARE SUITE 100
BOSTON, MASSACHUSETTS 02109-3912

MAY 17 2019

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Tony Rodriguez, President
Signature Breads
100 Justin Dr Ste 2
Chelsea, MA 02150

Re: Information Request Pursuant to the Clean Air Act

Dear Tony Rodriguez:

In March of 2019, the U.S. Environmental Protection Agency (“EPA”) provided you notice of its plans to begin an enforcement initiative to increase companies’ compliance with the “General Duty Clause” of Section 112(r)(1) of the Clean Air Act (“CAA”), 42 U.S.C. § 7412(r)(1), in certain states. See “Improving Safety at Facilities in New England with Smaller Ammonia Refrigeration Systems” (attached). This notice was widely shared with companies that operate ammonia refrigeration facilities, ammonia suppliers, ammonia contractors, and trade associations. This letter is part of the described initiative.

Please review this letter carefully. It contains an “Information Request” that requires you to submit certain information to EPA within **fifteen (15) days** of your receipt of this letter.

INFORMATION REQUEST

EPA issues this Information Request under the authority of Section 114(a)(1) of the CAA, 42 U.S.C. § 7414(a)(1), which authorizes EPA to require a company to submit such information and conduct such reporting or auditing as EPA may reasonably require to determine compliance with the CAA and to carry out the purposes of the CAA. It requests certain information about the refrigeration system (“Refrigeration System”) at Signature Breads’s facility at 100 Justin Dr Ste 2 in Chelsea, MA (“Facility”) in order to investigate your compliance with the General Duty Clause of Section 112(r)(1) of the CAA, 42 U.S.C. § 7412(r)(1).

The goal of Section 112(r) of the Clean Air Act, 42 U.S.C. § 7412(r), is to reduce the risk of chemical accidents. Pursuant to the General Duty Clause, owners and operators of stationary sources producing, processing, handling, or storing substances listed pursuant to Section 112(r)(3) of the Clean Air Act, 42 U.S.C. § 7412(r)(3), or any other extremely hazardous substance, have a general duty to:

1. Identify hazards which may result from accidental releases of such substances using appropriate hazard assessment techniques;

2. Design and maintain a safe facility taking such steps as are necessary to prevent releases; and
3. Minimize the consequences of accidental releases that do occur.

Guidance documents that further explain the General Duty Clause may be found at <https://www.epa.gov/enforcement/guidance-implementation-general-duty-clause-clean-air-act-cao-section-112r1-may-2000> and <https://www.epa.gov/sites/production/files/2015-02/documents/112renforcementalert.pdf>. Also, the International Institute of Ammonia Refrigeration has issued industry standards and guidance that can help facilities comply with the General Duty Clause. *See, e.g.*, The Ammonia Refrigeration Management (“ARM”) Program, available through www.iiar.org.

Information obtained by EPA, including chemical inventory (“Tier II”) reports⁷ submitted by Signature Breads, indicates that the Refrigeration System uses anhydrous ammonia. Anhydrous ammonia is an extremely hazardous substance subject to the General Duty Clause.

While companies have an obligation to comply with all three duties of the General Duty Clause, this Information Request only focuses on Signature Breads’s compliance with the first duty: the duty to identify hazards which may result from accidental releases of anhydrous ammonia from the Refrigeration System using appropriate hazard techniques. You are required to submit the information requested in the “Information Request” and “Declaration” portions of the enclosed Attachment 1 by filling in all of the blanks with the appropriate information. You can fill out the form by hand, or if you prefer, you may contact EPA to receive an electronic version of the form. Then mail or e-mail the completed form to the EPA person and address listed at the top of Attachment 1.

Compliance with this Information Request is mandatory. Failure to respond fully and truthfully, or to adequately justify any failure to respond, **within fifteen (15) days of receipt of this letter** can result in an enforcement action by EPA pursuant to Section 113 of the CAA, 42 U.S.C. § 7413. This statute permits EPA to seek the imposition of penalties. This Information Request is not subject to Office of Management and Budget review under the Paperwork Reduction Act. Please be further advised that provision of false, fictitious, or fraudulent statements or representations may subject you to criminal penalties.

You may, if you desire, assert a business confidentiality claim covering part or all of the information requested, in the manner described by 40 C.F.R. § 2.203(b). You should read the above-cited regulations carefully before asserting a business confidentiality claim, as certain categories of information are not properly the subject of such a claim. If no such claim accompanies the information submitted, the information may be made available to the public by EPA without further notice to you.

⁷ Tier II reports are submitted pursuant to Section 312 of the Emergency Planning and Community Right-to-Know Act (“EPCRA”), 42 U.S.C. § 11022.

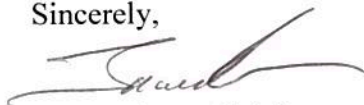
FOLLOW-UP TO INFORMATION REQUEST

EPA will review Signature Breads's response to the Information Request. If the response indicates that Signature Breads has performed a Process Hazard Review of the Refrigeration System, Signature Breads's involvement in this initiative will conclude.

If Signature Breads's response reveals a violation of the first duty of the General Duty Clause (*i.e.*, Signature Breads has **not** performed an analysis of the hazards of the Refrigeration System using appropriate hazard assessment techniques), and that the Facility has not experienced a significant release of ammonia in the last five years (*i.e.*, you answer "no" in response to question 4 of the Information Request), then EPA will follow-up by sending Signature Breads an offer to resolve this violation quickly and at a steep discount via an Expedited Settlement Agreement ("ESA"). The voluntary ESA will require Signature Breads to retain a third-party expert to perform a Process Hazard Review of the Refrigeration System using appropriate hazard assessment techniques. The ESA will also require Signature Breads to meet with the local emergency responders to plan for an emergency response in the event of an ammonia release and to certify that it has filed a Tier II form with local and state emergency responders pursuant to Section 312 of the Emergency Planning and Community Right-to-Know Act, 42 U.S.C. § 11022, and 40 C.F.R. Part 270.

If you have any questions with regard to this Information Request, please contact Mary Jane O'Donnell of my staff at (617) 918-1371 or odonnell.maryjane@epa.gov.

Sincerely,



James Chow, Chief
Enforcement and Compliance Assurance Branch
Enforcement and Compliance Assurance Division

Enclosures

1. Information Request
2. Public Notice of Enforcement Initiative
3. Small Business Information Sheet

cc: Christine Foot, Esq., EPA

ATTACHMENT 1

INFORMATION REQUEST

Instructions: Complete this form and the Declaration and mail or e-mail it to:

Mary Jane O'Donnell, Chief
Waste and Chemical Compliance Section
Enforcement and Compliance Assurance Division
U. S. Environmental Protection Agency, Region I
5 Post Office Square, Suite 100 (Mail Code 05-1)
Boston, Massachusetts 02109-3912
O'donnell.maryjane@epa.gov

Guidance on How to Respond. Please respond fully to each of the questions, using the spaces provided. As part of your response, please complete the enclosed Declaration (see below). Your submission must be a self-explanatory, complete response that is dated and signed by an authorized facility official. It is acceptable to fill out the form by hand, but if you prefer, you may contact EPA to receive an electronic copy of the form.

Continuing Obligation to Provide/Correct Information. If additional information responsive to these questions becomes known or available after answering this request, including, but not limited to, specific information that may be deemed *unknown* at the time of your response, EPA hereby requests, pursuant to Section 114(a)(1) of the CAA, 42 U.S.C. § 7414(a)(1), that you supplement your response to EPA within ten (10) days of discovering such information. If at any time after the submission of this response, you discover or believe that any portion of the submitted information is incomplete or misrepresents the truth, notify Mary Jane O'Donnell of this fact as soon as possible and provide EPA with a corrected response.

QUESTIONS/INFORMATION REQUESTED

Signature Breads
100 Justin Dr Ste 2
Chelsea, MA 02150

1. Does the Facility have any refrigeration systems that use anhydrous ammonia? **Yes** ___ **No** ___ How many? _____
2. What is the inventory of anhydrous ammonia contained within each ammonia refrigeration system referenced in your answer to Question 1 above? (list individually)

| Refrigeration System | Inventory of Anhydrous Ammonia (pounds) |
|----------------------|---|
| | |
| | |
| | |

3. Has a Process Hazard Review been performed on each ammonia refrigeration system referenced in your answer to Questions 1 and 2 above? **Yes** ___ **No** ___

If yes, specify the type of review, the year of the review, and who conducted it.

| Refrigeration System | Type of Process Hazard Review (Specify industry checklist, What-If Analysis, HAZOP Analysis, or other) | Date of Process Hazard Review | Who Conducted Hazard Review (Specify outside team, your company, or other) |
|----------------------|--|-------------------------------|--|
| | | | |
| | | | |
| | | | |

4. Has the Facility experienced an ammonia release in the last five years that resulted in deaths, injuries, significant property or environmental damage, evacuations, or sheltering in place? **Yes** ___ **No** ___

If yes, please include a brief description of the ammonia release, including the date, cause, amount released, and consequences of the release. _____

DECLARATION

Signature Breads
100 Justin Dr Ste 2
Chelsea, MA 02150

I declare under penalty of perjury that I am the

_____ of _____,
Title Company

that I am authorized to respond on behalf of

_____, and that the foregoing is a complete, true,
Company

and correct response.

Executed on _____
Date

Signature

Name and Title

Compliance Assurance and Enforcement Focus: Improving Safety at Facilities in New England with Smaller Ammonia Refrigeration Systems

Ammonia: An Efficient Refrigerant That Must Be Safely Managed

While anhydrous ammonia has many environmental and operational benefits, it is also an extremely hazardous substance that, if accidentally released, presents a significant health hazard because it is corrosive to the skin, eyes, and lungs. Ammonia is also flammable at certain concentrations in air.



EPA inspection photo reveals dangerous ice buildup on ammonia piping and valves.

How Safe Is Your Refrigeration System?

Accidental releases of ammonia from refrigeration facilities have injured or killed people. See <https://www.epa.gov/sites/production/files/2015-02/documents/112renforcementalert.pdf>

Some of the most dangerous facilities that EPA inspected were not aware of the hazards that their refrigeration systems posed to the public, emergency responders, and employees.

Does Your Facility Use Ammonia Refrigeration?

The Environmental Protection Agency (EPA) would like to work with facilities that have ammonia refrigeration systems to improve their safety, protect workers and the public from exposure to toxic gas, and avoid product losses.

Notice of Compliance Assurance and Enforcement Initiative

EPA is providing advance notice of an upcoming enforcement initiative so that you can take steps now to avoid a penalty before the initiative begins.

The Initiative will focus on ammonia refrigeration facilities using fewer than 10,000 pounds of anhydrous ammonia to enhance their compliance with the General Duty Clause of Section 112(r) of the Clean Air Act ("CAA"), 42 U.S.C. §(r)(1), and with Section 312 of the Emergency Planning and Community Right-to-Know Act (EPCRA), 42 U.S.C. § 11022. Failure to comply with these requirements puts the public at risk of exposure to anhydrous ammonia.

Compliance Help

Go to <https://www.epa.gov/enforcement/compliance-assistance-tools-and-resources-ammonia-refrigeration-sector> for a list of compliance resources, including guidance documents and links to refrigeration-related trade associations.

continued >>

How Can I Comply With The General Duty Clause (GDC)?

The goal of Section 112(r) of the Clean Air Act, 42 U.S.C. § 7412(r), is to reduce the risk of chemical accidents. Owners and operators of stationary sources producing, processing, handling, or storing extremely hazardous substances, including anhydrous ammonia, must:

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I
5 POST OFFICE SQUARE SUITE 100
BOSTON, MASSACHUSETTS 02109-3912

MAY 17 2019

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Mike Gorton, CHB
Slade Gorton & Co.
225 Southampton St
Boston, MA 02118

Re: Information Request Pursuant to the Clean Air Act

Dear Mike Gorton:

In March of 2019, the U.S. Environmental Protection Agency (“EPA”) provided you notice of its plans to begin an enforcement initiative to increase companies’ compliance with the “General Duty Clause” of Section 112(r)(1) of the Clean Air Act (“CAA”), 42 U.S.C. § 7412(r)(1), in certain states. See “Improving Safety at Facilities in New England with Smaller Ammonia Refrigeration Systems” (attached). This notice was widely shared with companies that operate ammonia refrigeration facilities, ammonia suppliers, ammonia contractors, and trade associations. This letter is part of the described initiative.

Please review this letter carefully. It contains an “Information Request” that requires you to submit certain information to EPA within **fifteen (15) days** of your receipt of this letter.

INFORMATION REQUEST

EPA issues this Information Request under the authority of Section 114(a)(1) of the CAA, 42 U.S.C. § 7414(a)(1), which authorizes EPA to require a company to submit such information and conduct such reporting or auditing as EPA may reasonably require to determine compliance with the CAA and to carry out the purposes of the CAA. It requests certain information about the refrigeration system (“Refrigeration System”) at Slade Gorton & Co.’s facility at 225 Southampton St in Boston, MA (“Facility”) in order to investigate your compliance with the General Duty Clause of Section 112(r)(1) of the CAA, 42 U.S.C. § 7412(r)(1).

The goal of Section 112(r) of the Clean Air Act, 42 U.S.C. § 7412(r), is to reduce the risk of chemical accidents. Pursuant to the General Duty Clause, owners and operators of stationary sources producing, processing, handling, or storing substances listed pursuant to Section 112(r)(3) of the Clean Air Act, 42 U.S.C. § 7412(r)(3), or any other extremely hazardous substance, have a general duty to:

1. Identify hazards which may result from accidental releases of such substances using appropriate hazard assessment techniques;

2. Design and maintain a safe facility taking such steps as are necessary to prevent releases; and
3. Minimize the consequences of accidental releases that do occur.

Guidance documents that further explain the General Duty Clause may be found at <https://www.epa.gov/enforcement/guidance-implementation-general-duty-clause-clean-air-act-cao-section-112r1-may-2000> and <https://www.epa.gov/sites/production/files/2015-02/documents/112renforcementalert.pdf>. Also, the International Institute of Ammonia Refrigeration has issued industry standards and guidance that can help facilities comply with the General Duty Clause. *See, e.g.*, The Ammonia Refrigeration Management ("ARM") Program, available through www.iiar.org.

Information obtained by EPA, including chemical inventory ("Tier II") reports⁸ submitted by Slade Gorton & Co., indicates that the Refrigeration System uses anhydrous ammonia. Anhydrous ammonia is an extremely hazardous substance subject to the General Duty Clause.

While companies have an obligation to comply with all three duties of the General Duty Clause, this Information Request only focuses on Slade Gorton & Co.'s compliance with the first duty: the duty to identify hazards which may result from accidental releases of anhydrous ammonia from the Refrigeration System using appropriate hazard techniques. You are required to submit the information requested in the "Information Request" and "Declaration" portions of the enclosed Attachment 1 by filling in all of the blanks with the appropriate information. You can fill out the form by hand, or if you prefer, you may contact EPA to receive an electronic version of the form. Then mail or e-mail the completed form to the EPA person and address listed at the top of Attachment 1.

Compliance with this Information Request is mandatory. Failure to respond fully and truthfully, or to adequately justify any failure to respond, **within fifteen (15) days of receipt of this letter** can result in an enforcement action by EPA pursuant to Section 113 of the CAA, 42 U.S.C. § 7413. This statute permits EPA to seek the imposition of penalties. This Information Request is not subject to Office of Management and Budget review under the Paperwork Reduction Act. Please be further advised that provision of false, fictitious, or fraudulent statements or representations may subject you to criminal penalties.

You may, if you desire, assert a business confidentiality claim covering part or all of the information requested, in the manner described by 40 C.F.R. § 2.203(b). You should read the above-cited regulations carefully before asserting a business confidentiality claim, as certain categories of information are not properly the subject of such a claim. If no such claim accompanies the information submitted, the information may be made available to the public by EPA without further notice to you.

⁸ Tier II reports are submitted pursuant to Section 312 of the Emergency Planning and Community Right-to-Know Act ("EPCRA"), 42 U.S.C. § 11022.

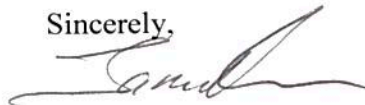
FOLLOW-UP TO INFORMATION REQUEST

EPA will review Slade Gorton & Co.'s response to the Information Request. If the response indicates that Slade Gorton & Co. has performed a Process Hazard Review of the Refrigeration System, Slade Gorton & Co.'s involvement in this initiative will conclude.

If Slade Gorton & Co.'s response reveals a violation of the first duty of the General Duty Clause (*i.e.*, Slade Gorton & Co. has **not** performed an analysis of the hazards of the Refrigeration System using appropriate hazard assessment techniques), and that the Facility has not experienced a significant release of ammonia in the last five years (*i.e.*, you answer "no" in response to question 4 of the Information Request), then EPA will follow-up by sending Slade Gorton & Co. an offer to resolve this violation quickly and at a steep discount via an Expedited Settlement Agreement ("ESA"). The voluntary ESA will require Slade Gorton & Co. to retain a third-party expert to perform a Process Hazard Review of the Refrigeration System using appropriate hazard assessment techniques. The ESA will also require Slade Gorton & Co. to meet with the local emergency responders to plan for an emergency response in the event of an ammonia release and to certify that it has filed a Tier II form with local and state emergency responders pursuant to Section 312 of the Emergency Planning and Community Right-to-Know Act, 42 U.S.C. § 11022, and 40 C.F.R. Part 270.

If you have any questions with regard to this Information Request, please contact Mary Jane O'Donnell of my staff at (617) 918-1371 or odonnell.maryjane@epa.gov.

Sincerely,



James Chow, Chief
Enforcement and Compliance Assurance Branch
Enforcement and Compliance Assurance Division

Enclosures

1. Information Request
2. Public Notice of Enforcement Initiative
3. Small Business Information Sheet

cc: Christine Foot, Esq., EPA

ATTACHMENT 1

INFORMATION REQUEST

Instructions: Complete this form and the Declaration and mail or e-mail it to:

Mary Jane O'Donnell, Chief
Waste and Chemical Compliance Section
Enforcement and Compliance Assurance Division
U. S. Environmental Protection Agency, Region I
5 Post Office Square, Suite 100 (Mail Code 05-1)
Boston, Massachusetts 02109-3912
O'donnell.maryjane@epa.gov

Guidance on How to Respond. Please respond fully to each of the questions, using the spaces provided. As part of your response, please complete the enclosed Declaration (see below). Your submission must be a self-explanatory, complete response that is dated and signed by an authorized facility official. It is acceptable to fill out the form by hand, but if you prefer, you may contact EPA to receive an electronic copy of the form.

Continuing Obligation to Provide/Correct Information. If additional information responsive to these questions becomes known or available after answering this request, including, but not limited to, specific information that may be deemed *unknown* at the time of your response, EPA hereby requests, pursuant to Section 114(a)(1) of the CAA, 42 U.S.C. § 7414(a)(1), that you supplement your response to EPA within ten (10) days of discovering such information. If at any time after the submission of this response, you discover or believe that any portion of the submitted information is incomplete or misrepresents the truth, notify Mary Jane O'Donnell of this fact as soon as possible and provide EPA with a corrected response.

QUESTIONS/INFORMATION REQUESTED

Slade Gorton & Co.
225 Southampton St
Boston, MA 02118

1. Does the Facility have any refrigeration systems that use anhydrous ammonia? **Yes** ___ **No** ___ How many? _____
2. What is the inventory of anhydrous ammonia contained within each ammonia refrigeration system referenced in your answer to Question 1 above? (list individually)

| Refrigeration System | Inventory of Anhydrous Ammonia (pounds) |
|----------------------|---|
| | |
| | |
| | |

3. Has a Process Hazard Review been performed on each ammonia refrigeration system referenced in your answer to Questions 1 and 2 above? **Yes** ___ **No** ___

If yes, specify the type of review, the year of the review, and who conducted it.

| Refrigeration System | Type of Process Hazard Review (Specify industry checklist, What-If Analysis, HAZOP Analysis, or other) | Date of Process Hazard Review | Who Conducted Hazard Review (Specify outside team, your company, or other) |
|----------------------|--|-------------------------------|--|
| | | | |
| | | | |
| | | | |

4. Has the Facility experienced an ammonia release in the last five years that resulted in deaths, injuries, significant property or environmental damage, evacuations, or sheltering in place? **Yes** ___ **No** ___

If yes, please include a brief description of the ammonia release, including the date, cause, amount released, and consequences of the release. _____

DECLARATION

Slade Gorton & Co.
225 Southampton St
Boston, MA 02118

I declare under penalty of perjury that I am the

_____ of _____,
Title **Company**

that I am authorized to respond on behalf of

_____, and that the foregoing is a complete, true,
Company

and correct response.

Executed on _____
Date

Signature

Name and Title

Compliance Assurance and Enforcement Focus: Improving Safety at Facilities in New England with Smaller Ammonia Refrigeration Systems

Ammonia: An Efficient Refrigerant That Must Be Safely Managed

While anhydrous ammonia has many environmental and operational benefits, it is also an extremely hazardous substance that, if accidentally released, presents a significant health hazard because it is corrosive to the skin, eyes, and lungs. Ammonia is also flammable at certain concentrations in air.



EPA inspection photo reveals dangerous ice buildup on ammonia piping and valves.

How Safe Is Your Refrigeration System?

Accidental releases of ammonia from refrigeration facilities have injured or killed people. See <https://www.epa.gov/sites/production/files/2015-02/documents/112renforcementalert.pdf>

Some of the most dangerous facilities that EPA inspected were not aware of the hazards that their refrigeration systems posed to the public, emergency responders, and employees.

Does Your Facility Use Ammonia Refrigeration?

The Environmental Protection Agency (EPA) would like to work with facilities that have ammonia refrigeration systems to improve their safety, protect workers and the public from exposure to toxic gas, and avoid product losses.

Notice of Compliance Assurance and Enforcement Initiative

EPA is providing advance notice of an upcoming enforcement initiative so that you can take steps now to avoid a penalty before the initiative begins.

The Initiative will focus on ammonia refrigeration facilities using fewer than 10,000 pounds of anhydrous ammonia to enhance their compliance with the General Duty Clause of Section 112(r) of the Clean Air Act ("CAA"), 42 U.S.C. §(r)(1), and with Section 312 of the Emergency Planning and Community Right-to-Know Act (EPCRA), 42 U.S.C. § 11022. Failure to comply with these requirements puts the public at risk of exposure to anhydrous ammonia.

Compliance Help

Go to <https://www.epa.gov/enforcement/compliance-assistance-tools-and-resources-ammonia-refrigeration-sector> for a list of compliance resources, including guidance documents and links to refrigeration-related trade associations.

continued >>

How Can I Comply With The General Duty Clause (GDC)?

The goal of Section 112(r) of the Clean Air Act, 42 U.S.C. § 7412(r), is to reduce the risk of chemical accidents. Owners and operators of stationary sources producing, processing, handling, or storing extremely hazardous substances, including anhydrous ammonia, must:

1. identify hazards which may result from accidental releases using appropriate hazard assessment techniques;
2. design and maintain a safe facility taking steps to prevent releases; and
3. minimize the consequences of accidental releases that do occur.

For more information on the General Duty Clause: <https://www.epa.gov/sites/production/files/documents/gendutyclause-rpt.pdf>.

This Initiative focuses on the first duty listed above. Conduct a comprehensive hazard review of your refrigeration system to comply with the duty to identify hazards. Appropriate hazard identification techniques include standard industry checklists and What-if analyses. See above link for more information. Trade associations may be able to help you find experienced consultants and hazard identification materials.

How will EPA's Initiative Work?

Information Request: EPA has begun preliminary investigations into compliance with the General Duty Clause by facilities that it believes has fewer than 10,000 pounds of ammonia. The primary focus of this Initiative is facilities with more than 1,000 pounds of ammonia. EPA will send brief, targeted Information Requests to selected facilities that it has reason to believe may be out of compliance. Facilities will be required to respond to EPA answering four questions about their ammonia refrigeration systems, including whether a process hazard review has been performed. If a facility has not performed the required hazard review, EPA will inform the facility that it has violated the first duty of the General Duty Clause.

Settlement: Unless a significant release has occurred at the facility, EPA will offer to resolve this violation for a discounted penalty, provided the company agrees to perform a hazard review of its system with the help of an expert. The company will also be required to meet with emergency responders and submit any missing Tier II forms.

Follow-up: EPA will inspect a small subset of facilities to determine if the Initiative has improved compliance with the General Duty Clause.

How Can I Comply With EPCRA?

Section 312 of EPCRA requires facilities to report the presence of certain chemicals, including anhydrous ammonia, to emergency planning and response agencies. The goal is to ensure that emergency responders and planners know what chemicals are on site should they need to respond to an incident and that people in the community can get information about chemicals in their neighborhood.

What Can I Do Now To Avoid a Penalty?

If you haven't already, conduct a process hazard review. Companies that respond to the Information Request indicating that a hazard review has already been performed will not need to take further action under this Initiative. To avoid EPCRA penalties, see if you qualify for penalty relief under EPA's Audit Policy. Go to https://www.epa.gov/compliance/epas-audit-policy#_bookmark3 for more information and to <https://www.epa.gov/compliance/epas-edisclosure> for EPA's web-based "e-Disclosure" portal.

EPCRA Inventory Forms (Tier II forms) are due annually by March 1.

For more information about EPCRA reporting, go to: <https://www.epa.gov/epcra>.

U.S. EPA Small Business Resources Information Sheet

The United States Environmental Protection Agency provides an array of resources to help small businesses understand and comply with federal and state environmental laws. In addition to helping small businesses understand their environmental obligations and improve compliance, these resources will also help such businesses find cost-effective ways to comply through pollution prevention techniques and innovative technologies.

Office of Small and Disadvantaged Business Utilization (OSDBU)

www.epa.gov/aboutepa/about-office-small-and-disadvantaged-business-utilization-osdbu

EPA's OSDBU advocates and advances business, regulatory, and environmental compliance concerns of small and socio-economically disadvantaged businesses.

EPA's Asbestos Small Business Ombudsman (ASBO)

www.epa.gov/resources-small-businesses/asbestos-small-business-ombudsman or 1-800-368-5888

The EPA ASBO serves as a conduit for small businesses to access EPA and facilitates communications between the small business community and the Agency.

Small Business Environmental Assistance Program

<https://nationalsbeap.org>

This program provides a "one-stop shop" for small businesses and assistance providers seeking information on a wide range of environmental topics and state-specific environmental compliance assistance resources.

EPA's Compliance Assistance Homepage

www.epa.gov/compliance

This page is a gateway to industry and statute-specific environmental resources, from extensive web-based information to hotlines and compliance assistance specialists.

Compliance Assistance Centers

www.complianceassistance.net

EPA sponsored Compliance Assistance Centers provide information targeted to industries with many small businesses. They were developed in partnership with industry, universities and other federal and state agencies.

Agriculture

www.epa.gov/agriculture

Automotive Recycling

www.ecarcenter.org

Automotive Service and Repair

www.ccar-greenlink.org or 1-888-GRN-LINK

Chemical Manufacturing

www.chemalliance.org

Construction

www.cicacenter.org

Education

www.campuserc.org

Food Processing

www.fpeac.org

Healthcare

www.hercenter.org

Local Government

www.lgean.org

Surface Finishing

<http://www.sterc.org>

Paints and Coatings

www.paintcenter.org

Printing

www.pneac.org

Ports

www.portcompliance.org

Transportation

www.tercenter.org

U.S. Border Compliance and Import/Export Issues

www.bordercenter.org

EPA Hotlines and Clearinghouses

www.epa.gov/home/epa-hotlines

EPA sponsors many free hotlines and clearinghouses that provide convenient assistance regarding environmental requirements. Examples include:

Clean Air Technology Center (CATC) Info-line

www.epa.gov/catc or 1-919-541-0800

Superfund, TRI, EPCRA, RMP, and Oil Information Center

1-800-424-9346

EPA Imported Vehicles and Engines Public Helpline

www.epa.gov/otaq/imports or 1-734-214-4100

National Pesticide Information Center

www.npic.orst.edu or 1-800-858-7378

National Response Center Hotline to report oil and hazardous substance spills - <http://nrc.uscg.mil> or 1-800-424-8802

Pollution Prevention Information Clearinghouse (PPIC) -

www.epa.gov/p2/pollution-prevention-resources#ppic or 1-202-566-0799

Safe Drinking Water Hotline -

www.epa.gov/ground-water-and-drinking-water/safe-drinking-water-hotline or 1-800-426-4791

Toxic Substances Control Act (TSCA) Hotline

tsc hotline@epa.gov or 1-202-554-1404

Small Entity Compliance Guides

<https://www.epa.gov/reg-flex/small-entity-compliance-guides>

EPA publishes a Small Entity Compliance Guide (SECG) for every rule for which the Agency has prepared a final regulatory flexibility analysis, in accordance with Section 604 of the Regulatory Flexibility Act (RFA).

Regional Small Business Liaisons

www.epa.gov/resources-small-businesses/epa-regional-office-small-business-liaisons

The U.S. Environmental Protection Agency (EPA) Regional Small Business Liaison (RSBL) is the primary regional contact and often the expert on small business assistance, advocacy, and outreach. The RSBL is the regional voice for the EPA Asbestos and Small Business Ombudsman (ASBO).

State Resource Locators

www.envcap.org/statetools

The Locators provide state-specific contacts, regulations and resources covering the major environmental laws.

State Small Business Environmental Assistance Programs (SBEAPs)

<https://nationalsbeap.org/states/list>

State SBEAPs help small businesses and assistance providers understand environmental requirements and sustainable business practices through workshops, trainings and site visits.

EPA's Tribal Portal

www.epa.gov/tribalportal

The Portal helps users locate tribal-related information within EPA and other federal agencies.

EPA Compliance Incentives

EPA provides incentives for environmental compliance. By participating in compliance assistance programs or voluntarily disclosing and promptly correcting violations before an enforcement action has been initiated, businesses may be eligible for penalty waivers or reductions. EPA has two such policies that may apply to small businesses:

EPA's Small Business Compliance Policy

www.epa.gov/enforcement/small-businesses-and-enforcement

EPA's Audit Policy

www.epa.gov/compliance/epas-audit-policy

Commenting on Federal Enforcement Actions and Compliance Activities

The Small Business Regulatory Enforcement Fairness Act (SBREFA) established a SBREFA Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. If you believe that you fall within the Small Business Administration's definition of a small business (based on your North American Industry Classification System designation, number of employees or annual receipts, as defined at 13 C.F.R. 121.201; in most cases, this means a business with 500 or fewer employees), and wish to comment on federal enforcement and compliance activities, call the SBREFA Ombudsman's toll-free number at 1-888-REG-FAIR (1-888-734-3247).

Every small business that is the subject of an enforcement or compliance action is entitled to comment on the Agency's actions without fear of retaliation. EPA employees are prohibited from using enforcement or any other means of retaliation against any member of the regulated community in response to comments made under SBREFA.

Your Duty to Comply

If you receive compliance assistance or submit a comment to the SBREFA Ombudsman or Regional Fairness Boards, you still have the duty to comply with the law, including providing timely responses to EPA information requests, administrative or civil complaints, other enforcement actions or communications. The assistance information and comment processes do not give you any new rights or defenses in any enforcement action. These processes also do not affect EPA's obligation to protect public health or the environment under any of the environmental statutes it enforces, including the right to take emergency remedial or emergency response actions when appropriate. Those decisions will be based on the facts in each situation. The SBREFA Ombudsman and Fairness Boards do not participate in resolving EPA's enforcement actions. Also, remember that to preserve your rights, you need to comply with all rules governing the enforcement process.

EPA is disseminating this information to you without making a determination that your business or organization is a small business as defined by Section 222 of the Small Business Regulatory Enforcement Fairness Act or related provisions.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION I

5 POST OFFICE SQUARE SUITE 100
BOSTON, MASSACHUSETTS 02109-3912

MAY 17 2019

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Don Larose, General Manager
Vermont Creamery
40 Pitman Rd
Websterville, VT 05678

Re: Information Request Pursuant to the Clean Air Act

Dear Don Larose:

In March of 2019, the U.S. Environmental Protection Agency (“EPA”) provided you notice of its plans to begin an enforcement initiative to increase companies’ compliance with the “General Duty Clause” of Section 112(r)(1) of the Clean Air Act (“CAA”), 42 U.S.C. § 7412(r)(1), in certain states. See “Improving Safety at Facilities in New England with Smaller Ammonia Refrigeration Systems” (attached). This notice was widely shared with companies that operate ammonia refrigeration facilities, ammonia suppliers, ammonia contractors, and trade associations. This letter is part of the described initiative.

Please review this letter carefully. It contains an “Information Request” that requires you to submit certain information to EPA within **fifteen (15) days** of your receipt of this letter.

INFORMATION REQUEST

EPA issues this Information Request under the authority of Section 114(a)(1) of the CAA, 42 U.S.C. § 7414(a)(1), which authorizes EPA to require a company to submit such information and conduct such reporting or auditing as EPA may reasonably require to determine compliance with the CAA and to carry out the purposes of the CAA. It requests certain information about the refrigeration system (“Refrigeration System”) at Vermont Creamery’s facility at 40 Pitman Rd in Websterville, VT (“Facility”) in order to investigate your compliance with the General Duty Clause of Section 112(r)(1) of the CAA, 42 U.S.C. § 7412(r)(1).

The goal of Section 112(r) of the Clean Air Act, 42 U.S.C. § 7412(r), is to reduce the risk of chemical accidents. Pursuant to the General Duty Clause, owners and operators of stationary sources producing, processing, handling, or storing substances listed pursuant to Section 112(r)(3) of the Clean Air Act, 42 U.S.C. § 7412(r)(3), or any other extremely hazardous substance, have a general duty to:

1. Identify hazards which may result from accidental releases of such substances using appropriate hazard assessment techniques;

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Information obtained by EPA, including chemical inventory (“Tier II”) reports⁹ submitted by Vermont Creamery, indicates that the Refrigeration System uses anhydrous ammonia. Anhydrous ammonia is an extremely hazardous substance subject to the General Duty Clause.

While companies have an obligation to comply with all three duties of the General Duty Clause, this Information Request only focuses on Vermont Creamery’s compliance with the first duty: the duty to identify hazards which may result from accidental releases of anhydrous ammonia from the Refrigeration System using appropriate hazard techniques. You are required to submit the information requested in the “Information Request” and “Declaration” portions of the enclosed Attachment 1 by filling in all of the blanks with the appropriate information. You can fill out the form by hand, or if you prefer, you may contact EPA to receive an electronic version of the form. Then mail or e-mail the completed form to the EPA person and address listed at the top of Attachment 1.

Compliance with this Information Request is mandatory. Failure to respond fully and truthfully, or to adequately justify any failure to respond, **within fifteen (15) days of receipt of this letter** can result in an enforcement action by EPA pursuant to Section 113 of the CAA, 42 U.S.C. § 7413. This statute permits EPA to seek the imposition of penalties. This Information Request is not subject to Office of Management and Budget review under the Paperwork Reduction Act. Please be further advised that provision of false, fictitious, or fraudulent statements or representations may subject you to criminal penalties.

You may, if you desire, assert a business confidentiality claim covering part or all of the information requested, in the manner described by 40 C.F.R. § 2.203(b). You should read the above-cited regulations carefully before asserting a business confidentiality claim, as certain categories of information are not properly the subject of such a claim. If no such claim accompanies the information submitted, the information may be made available to the public by EPA without further notice to you.

⁹ Tier II reports are submitted pursuant to Section 312 of the Emergency Planning and Community Right-to-Know Act (“EPCRA”), 42 U.S.C. § 11022.

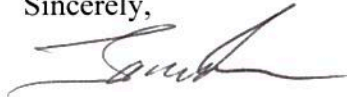
FOLLOW-UP TO INFORMATION REQUEST

EPA will review Vermont Creamery's response to the Information Request. If the response indicates that Vermont Creamery has performed a Process Hazard Review of the Refrigeration System, Vermont Creamery's involvement in this initiative will conclude.

If Vermont Creamery's response reveals a violation of the first duty of the General Duty Clause (*i.e.*, Vermont Creamery has **not** performed an analysis of the hazards of the Refrigeration System using appropriate hazard assessment techniques), and that the Facility has not experienced a significant release of ammonia in the last five years (*i.e.*, you answer "no" in response to question 4 of the Information Request), then EPA will follow-up by sending Vermont Creamery an offer to resolve this violation quickly and at a steep discount via an Expedited Settlement Agreement ("ESA"). The voluntary ESA will require Vermont Creamery to retain a third-party expert to perform a Process Hazard Review of the Refrigeration System using appropriate hazard assessment techniques. The ESA will also require Vermont Creamery to meet with the local emergency responders to plan for an emergency response in the event of an ammonia release and to certify that it has filed a Tier II form with local and state emergency responders pursuant to Section 312 of the Emergency Planning and Community Right-to-Know Act, 42 U.S.C. § 11022, and 40 C.F.R. Part 270.

If you have any questions with regard to this Information Request, please contact Mary Jane O'Donnell of my staff at (617) 918-1371 or odonnell.maryjane@epa.gov.

Sincerely,



James Chow, Chief
Enforcement and Compliance Assurance Branch
Enforcement and Compliance Assurance Division

Enclosures

1. Information Request
2. Public Notice of Enforcement Initiative
3. Small Business Information Sheet

cc: Christine Foot, Esq., EPA

ATTACHMENT 1

INFORMATION REQUEST

Instructions: Complete this form and the Declaration and mail or e-mail it to:

Mary Jane O'Donnell, Chief
Waste and Chemical Compliance Section
Enforcement and Compliance Assurance Division
U. S. Environmental Protection Agency, Region I
5 Post Office Square, Suite 100 (Mail Code 05-1)
Boston, Massachusetts 02109-3912
O'donnell.maryjane@epa.gov

Guidance on How to Respond. Please respond fully to each of the questions, using the spaces provided. As part of your response, please complete the enclosed Declaration (see below). Your submission must be a self-explanatory, complete response that is dated and signed by an authorized facility official. It is acceptable to fill out the form by hand, but if you prefer, you may contact EPA to receive an electronic copy of the form.

Continuing Obligation to Provide/Correct Information. If additional information responsive to these questions becomes known or available after answering this request, including, but not limited to, specific information that may be deemed *unknown* at the time of your response, EPA hereby requests, pursuant to Section 114(a)(1) of the CAA, 42 U.S.C. § 7414(a)(1), that you supplement your response to EPA within ten (10) days of discovering such information. If at any time after the submission of this response, you discover or believe that any portion of the submitted information is incomplete or misrepresents the truth, notify Mary Jane O'Donnell of this fact as soon as possible and provide EPA with a corrected response.

QUESTIONS/INFORMATION REQUESTED

Vermont Creamery
40 Pitman Rd
Websterville, VT 05678

1. Does the Facility have any refrigeration systems that use anhydrous ammonia? **Yes** ____ **No** ____ How many? _____
2. What is the inventory of anhydrous ammonia contained within each ammonia refrigeration system referenced in your answer to Question 1 above? (list individually)

| Refrigeration System | Inventory of Anhydrous Ammonia (pounds) |
|----------------------|---|
| | |
| | |
| | |

3. Has a Process Hazard Review been performed on each ammonia refrigeration system referenced in your answer to Questions 1 and 2 above? **Yes** ____ **No** ____

If yes, specify the type of review, the year of the review, and who conducted it.

| Refrigeration System | Type of Process Hazard Review (Specify industry checklist, What-If Analysis, HAZOP Analysis, or other) | Date of Process Hazard Review | Who Conducted Hazard Review (Specify outside team, your company, or other) |
|----------------------|--|-------------------------------|--|
| | | | |
| | | | |
| | | | |

4. Has the Facility experienced an ammonia release in the last five years that resulted in deaths, injuries, significant property or environmental damage, evacuations, or sheltering in place? **Yes** ____ **No** ____

If yes, please include a brief description of the ammonia release, including the date, cause, amount released, and consequences of the release. _____

DECLARATION

Vermont Creamery
40 Pitman Rd
Websterville, VT 05678

I declare under penalty of perjury that I am the

_____ of _____,
Title **Company**

that I am authorized to respond on behalf of

_____, and that the foregoing is a complete, true,
Company

and correct response.

Executed on _____
Date

Signature

Name and Title

Compliance Assurance and Enforcement Focus: Improving Safety at Facilities in New England with Smaller Ammonia Refrigeration Systems

Ammonia: An Efficient Refrigerant That Must Be Safely Managed

While anhydrous ammonia has many environmental and operational benefits, it is also an extremely hazardous substance that, if accidentally released, presents a significant health hazard because it is corrosive to the skin, eyes, and lungs. Ammonia is also flammable at certain concentrations in air.



EPA inspection photo reveals dangerous ice buildup on ammonia piping and valves.

How Safe Is Your Refrigeration System?

Accidental releases of ammonia from refrigeration facilities have injured or killed people. See <https://www.epa.gov/sites/production/files/2015-02/documents/112renforcementalert.pdf>

Some of the most dangerous facilities that EPA inspected were not aware of the hazards that their refrigeration systems posed to the public, emergency responders, and employees.

Does Your Facility Use Ammonia Refrigeration?

The Environmental Protection Agency (EPA) would like to work with facilities that have ammonia refrigeration systems to improve their safety, protect workers and the public from exposure to toxic gas, and avoid product losses.

Notice of Compliance Assurance and Enforcement Initiative

EPA is providing advance notice of an upcoming enforcement initiative so that you can take steps now to avoid a penalty before the initiative begins.

The Initiative will focus on ammonia refrigeration facilities using fewer than 10,000 pounds of anhydrous ammonia to enhance their compliance with the General Duty Clause of Section 112(r) of the Clean Air Act ("CAA"), 42 U.S.C. §(r)(1), and with Section 312 of the Emergency Planning and Community Right-to-Know Act (EPCRA), 42 U.S.C. § 11022. Failure to comply with these requirements puts the public at risk of exposure to anhydrous ammonia.

Compliance Help

Go to <https://www.epa.gov/enforcement/compliance-assistance-tools-and-resources-ammonia-refrigeration-sector> for a list of compliance resources, including guidance documents and links to refrigeration-related trade associations.

continued >>

How Can I Comply With The General Duty Clause (GDC)?

The goal of Section 112(r) of the Clean Air Act, 42 U.S.C. § 7412(r), is to reduce the risk of chemical accidents. Owners and operators of stationary sources producing, processing, handling, or storing extremely hazardous substances, including anhydrous ammonia, must:

1. identify hazards which may result from accidental releases using appropriate hazard assessment techniques;
2. design and maintain a safe facility taking steps to prevent releases; and
3. minimize the consequences of accidental releases that do occur.

For more information on the General Duty Clause: <https://www.epa.gov/sites/production/files/documents/gendutyclause-rpt.pdf>.

This Initiative focuses on the first duty listed above. Conduct a comprehensive hazard review of your refrigeration system to comply with the duty to identify hazards. Appropriate hazard identification techniques include standard industry checklists and What-if analyses. See above link for more information. Trade associations may be able to help you find experienced consultants and hazard identification materials.

How will EPA's Initiative Work?

Information Request: EPA has begun preliminary investigations into compliance with the General Duty Clause by facilities that it believes has fewer than 10,000 pounds of ammonia. The primary focus of this Initiative is facilities with more than 1,000 pounds of ammonia. EPA will send brief, targeted Information Requests to selected facilities that it has reason to believe may be out of compliance. Facilities will be required to respond to EPA answering four questions about their ammonia refrigeration systems, including whether a process hazard review has been performed. If a facility has not performed the required hazard review, EPA will inform the facility that it has violated the first duty of the General Duty Clause.

Settlement: Unless a significant release has occurred at the facility, EPA will offer to resolve this violation for a discounted penalty, provided the company agrees to perform a hazard review of its system with the help of an expert. The company will also be required to meet with emergency responders and submit any missing Tier II forms.

Follow-up: EPA will inspect a small subset of facilities to determine if the Initiative has improved compliance with the General Duty Clause.

How Can I Comply With EPCRA?

Section 312 of EPCRA requires facilities to report the presence of certain chemicals, including anhydrous ammonia, to emergency planning and response agencies. The goal is to ensure that emergency responders and planners know what chemicals are on site should they need to respond to an incident and that people in the community can get information about chemicals in their neighborhood.

What Can I Do Now To Avoid a Penalty?

If you haven't already, conduct a process hazard review. Companies that respond to the Information Request indicating that a hazard review has already been performed will not need to take further action under this Initiative. To avoid EPCRA penalties, see if you qualify for penalty relief under EPA's Audit Policy. Go to https://www.epa.gov/compliance/epas-audit-policy#_bookmark3 for more information and to <https://www.epa.gov/compliance/epas-edisclosure> for EPA's web-based "e-Disclosure" portal.

EPCRA Inventory Forms (Tier II forms) are due annually by March 1.

For more information about EPCRA reporting, go to: <https://www.epa.gov/epcra>.

U.S. EPA Small Business Resources Information Sheet

The United States Environmental Protection Agency provides an array of resources to help small businesses understand and comply with federal and state environmental laws. In addition to helping small businesses understand their environmental obligations and improve compliance, these resources will also help such businesses find cost-effective ways to comply through pollution prevention techniques and innovative technologies.

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www.epa.gov/aboutepa/about-office-small-and-disadvantaged-business-utilization-osdbu

EPA's OSDBU advocates and advances business, regulatory, and environmental compliance concerns of small and socio-economically disadvantaged businesses.

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This page is a gateway to industry and statute-specific environmental resources, from extensive web-based information to hotlines and compliance assistance specialists.

Compliance Assistance Centers www.complianceassistance.net

EPA sponsored Compliance Assistance Centers provide information targeted to industries with many small businesses. They were developed in partnership with industry, universities and other federal and state agencies.

Agriculture www.epa.gov/agriculture

Automotive Recycling www.ecarcenter.org

Automotive Service and Repair www.ccar-greenlink.org or 1-888-GRN-LINK

Chemical Manufacturing www.chemalliance.org

Construction www.cicacenter.org

Education www.campuserc.org

Food Processing www.fpeac.org

Healthcare www.hercenter.org

Local Government www.lgean.org

Surface Finishing <http://www.sterc.org>

Paints and Coatings www.paintcenter.org

Printing www.pneac.org

Ports www.portcompliance.org

Transportation www.tercenter.org

U.S. Border Compliance and Import/Export Issues www.bordercenter.org

EPA Hotlines and Clearinghouses www.epa.gov/home/epa-hotlines

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National Pesticide Information Center www.npic.orst.edu or 1-800-858-7378

National Response Center Hotline to report oil and hazardous substance spills - <http://nrc.uscg.mil> or 1-800-424-8802

Pollution Prevention Information Clearinghouse (PPIC) - www.epa.gov/p2/pollution-prevention-resources#ppic or 1-202-566-0799

Safe Drinking Water Hotline - www.epa.gov/ground-water-and-drinking-water/safe-drinking-water-hotline or 1-800-426-4791

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The U.S. Environmental Protection Agency (EPA) Regional Small Business Liaison (RSBL) is the primary regional contact and often the expert on small business assistance, advocacy, and outreach. The RSBL is the regional voice for the EPA Asbestos and Small Business Ombudsman (ASBO).

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www.envcap.org/statetools

The Locators provide state-specific contacts, regulations and resources covering the major environmental laws.

State Small Business Environmental Assistance Programs (SBEAPs)

<https://nationalsbeap.org/states/list>

State SBEAPs help small businesses and assistance providers understand environmental requirements and sustainable business practices through workshops, trainings and site visits.

EPA's Tribal Portal

www.epa.gov/tribalportal

The Portal helps users locate tribal-related information within EPA and other federal agencies.

EPA Compliance Incentives

EPA provides incentives for environmental compliance. By participating in compliance assistance programs or voluntarily disclosing and promptly correcting violations before an enforcement action has been initiated, businesses may be eligible for penalty waivers or reductions. EPA has two such policies that may apply to small businesses:

EPA's Small Business Compliance Policy

www.epa.gov/enforcement/small-businesses-and-enforcement

EPA's Audit Policy

www.epa.gov/compliance/epas-audit-policy

Commenting on Federal Enforcement Actions and Compliance Activities

The Small Business Regulatory Enforcement Fairness Act (SBREFA) established a SBREFA Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. If you believe that you fall within the Small Business Administration's definition of a small business (based on your North American Industry Classification System designation, number of employees or annual receipts, as defined at 13 C.F.R. 121.201; in most cases, this means a business with 500 or fewer employees), and wish to comment on federal enforcement and compliance activities, call the SBREFA Ombudsman's toll-free number at 1-888-REG-FAIR (1-888-734-3247).

Every small business that is the subject of an enforcement or compliance action is entitled to comment on the Agency's actions without fear of retaliation. EPA employees are prohibited from using enforcement or any other means of retaliation against any member of the regulated community in response to comments made under SBREFA.

Your Duty to Comply

If you receive compliance assistance or submit a comment to the SBREFA Ombudsman or Regional Fairness Boards, you still have the duty to comply with the law, including providing timely responses to EPA information requests, administrative or civil complaints, other enforcement actions or communications. The assistance information and comment processes do not give you any new rights or defenses in any enforcement action. These processes also do not affect EPA's obligation to protect public health or the environment under any of the environmental statutes it enforces, including the right to take emergency remedial or emergency response actions when appropriate. Those decisions will be based on the facts in each situation. The SBREFA Ombudsman and Fairness Boards do not participate in resolving EPA's enforcement actions. Also, remember that to preserve your rights, you need to comply with all rules governing the enforcement process.

EPA is disseminating this information to you without making a determination that your business or organization is a small business as defined by Section 222 of the Small Business Regulatory Enforcement Fairness Act or related provisions.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I
5 POST OFFICE SQUARE SUITE 100
BOSTON, MASSACHUSETTS 02109-3912

MAY 17 2019

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Joe Rzemien, Adelard Arena Manager
Mount Saint Charles Academy
800 Logee St
Woonsocket, RI 02895

Re: Information Request Pursuant to the Clean Air Act

Dear Joe Rzemien:

In March of 2019, the U.S. Environmental Protection Agency (“EPA”) provided you notice of its plans to begin an enforcement initiative to increase companies’ compliance with the “General Duty Clause” of Section 112(r)(1) of the Clean Air Act (“CAA”), 42 U.S.C. § 7412(r)(1), in certain states. See “Improving Safety at Facilities in New England with Smaller Ammonia Refrigeration Systems” (attached). This notice was widely shared with companies that operate ammonia refrigeration facilities, ammonia suppliers, ammonia contractors, and trade associations. This letter is part of the described initiative.

Please review this letter carefully. It contains an “Information Request” that requires you to submit certain information to EPA within **fifteen (15) days** of your receipt of this letter.

INFORMATION REQUEST

EPA issues this Information Request under the authority of Section 114(a)(1) of the CAA, 42 U.S.C. § 7414(a)(1), which authorizes EPA to require a company to submit such information and conduct such reporting or auditing as EPA may reasonably require to determine compliance with the CAA and to carry out the purposes of the CAA. It requests certain information about the refrigeration system (“Refrigeration System”) at Mount Saint Charles Academy’s Adelard Arena facility at 800 Logee St in Woonsocket, RI (“Facility”) in order to investigate your compliance with the General Duty Clause of Section 112(r)(1) of the CAA, 42 U.S.C. § 7412(r)(1).

The goal of Section 112(r) of the Clean Air Act, 42 U.S.C. § 7412(r), is to reduce the risk of chemical accidents. Pursuant to the General Duty Clause, owners and operators of stationary sources producing, processing, handling, or storing substances listed pursuant to Section 112(r)(3) of the Clean Air Act, 42 U.S.C. § 7412(r)(3), or any other extremely hazardous substance, have a general duty to:

1. Identify hazards which may result from accidental releases of such substances using appropriate hazard assessment techniques;

2. Design and maintain a safe facility taking such steps as are necessary to prevent releases; and
3. Minimize the consequences of accidental releases that do occur.

Guidance documents that further explain the General Duty Clause may be found at <https://www.epa.gov/enforcement/guidance-implementation-general-duty-clause-clean-air-act-cao-section-112r1-may-2000> and <https://www.epa.gov/sites/production/files/2015-02/documents/112renforcementalert.pdf>. Also, the International Institute of Ammonia Refrigeration has issued industry standards and guidance that can help facilities comply with the General Duty Clause. *See, e.g.*, The Ammonia Refrigeration Management (“ARM”) Program, available through www.iiar.org.

Information obtained by EPA, including chemical inventory (“Tier II”) reports¹⁰ submitted by Mount Saint Charles Academy, indicates that the Refrigeration System uses anhydrous ammonia. Anhydrous ammonia is an extremely hazardous substance subject to the General Duty Clause.

While companies have an obligation to comply with all three duties of the General Duty Clause, this Information Request only focuses on Mount Saint Charles Academy’s compliance with the first duty: the duty to identify hazards which may result from accidental releases of anhydrous ammonia from the Refrigeration System using appropriate hazard techniques. You are required to submit the information requested in the “Information Request” and “Declaration” portions of the enclosed Attachment 1 by filling in all of the blanks with the appropriate information. You can fill out the form by hand, or if you prefer, you may contact EPA to receive an electronic version of the form. Then mail or e-mail the completed form to the EPA person and address listed at the top of Attachment 1.

Compliance with this Information Request is mandatory. Failure to respond fully and truthfully, or to adequately justify any failure to respond, **within fifteen (15) days of receipt of this letter** can result in an enforcement action by EPA pursuant to Section 113 of the CAA, 42 U.S.C. § 7413. This statute permits EPA to seek the imposition of penalties. This Information Request is not subject to Office of Management and Budget review under the Paperwork Reduction Act. Please be further advised that provision of false, fictitious, or fraudulent statements or representations may subject you to criminal penalties.

You may, if you desire, assert a business confidentiality claim covering part or all of the information requested, in the manner described by 40 C.F.R. § 2.203(b). You should read the above-cited regulations carefully before asserting a business confidentiality claim, as certain categories of information are not properly the subject of such a claim. If no such claim accompanies the information submitted, the information may be made available to the public by EPA without further notice to you.

¹⁰ Tier II reports are submitted pursuant to Section 312 of the Emergency Planning and Community Right-to-Know Act (“EPCRA”), 42 U.S.C. § 11022.

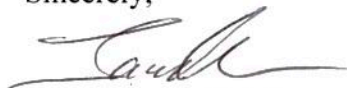
FOLLOW-UP TO INFORMATION REQUEST

EPA will review Mount Saint Charles Academy's response to the Information Request. If the response indicates that Mount Saint Charles Academy has performed a Process Hazard Review of the Refrigeration System, Mount Saint Charles Academy's involvement in this initiative will conclude.

If Mount Saint Charles Academy's response reveals a violation of the first duty of the General Duty Clause (*i.e.*, Mount Saint Charles Academy has **not** performed an analysis of the hazards of the Refrigeration System using appropriate hazard assessment techniques), and that the Facility has not experienced a significant release of ammonia in the last five years (*i.e.*, you answer "no" in response to question 4 of the Information Request), then EPA will follow-up by sending Mount Saint Charles Academy an offer to resolve this violation quickly and at a steep discount via an Expedited Settlement Agreement ("ESA"). The voluntary ESA will require Mount Saint Charles Academy to retain a third-party expert to perform a Process Hazard Review of the Refrigeration System using appropriate hazard assessment techniques. The ESA will also require Mount Saint Charles Academy to meet with the local emergency responders to plan for an emergency response in the event of an ammonia release and to certify that it has filed a Tier II form with local and state emergency responders pursuant to Section 312 of the Emergency Planning and Community Right-to-Know Act, 42 U.S.C. § 11022, and 40 C.F.R. Part 270.

If you have any questions with regard to this Information Request, please contact Mary Jane O'Donnell of my staff at (617) 918-1371 or odonnell.maryjane@epa.gov.

Sincerely,



James Chow, Chief
Enforcement and Compliance Assurance Branch
Enforcement and Compliance Assurance Division

Enclosures

1. Information Request
2. Public Notice of Enforcement Initiative
3. Small Business Information Sheet

cc: Christine Foot, Esq., EPA

ATTACHMENT 1

INFORMATION REQUEST

Instructions: Complete this form and the Declaration and mail or e-mail it to:

Mary Jane O'Donnell, Chief
Waste and Chemical Compliance Section
Enforcement and Compliance Assurance Division
U. S. Environmental Protection Agency, Region I
5 Post Office Square, Suite 100 (Mail Code 05-1)
Boston, Massachusetts 02109-3912
O'donnell.maryjane@epa.gov

Guidance on How to Respond. Please respond fully to each of the questions, using the spaces provided. As part of your response, please complete the enclosed Declaration (see below). Your submission must be a self-explanatory, complete response that is dated and signed by an authorized facility official. It is acceptable to fill out the form by hand, but if you prefer, you may contact EPA to receive an electronic copy of the form.

Continuing Obligation to Provide/Correct Information. If additional information responsive to these questions becomes known or available after answering this request, including, but not limited to, specific information that may be deemed *unknown* at the time of your response, EPA hereby requests, pursuant to Section 114(a)(1) of the CAA, 42 U.S.C. § 7414(a)(1), that you supplement your response to EPA within ten (10) days of discovering such information. If at any time after the submission of this response, you discover or believe that any portion of the submitted information is incomplete or misrepresents the truth, notify Mary Jane O'Donnell of this fact as soon as possible and provide EPA with a corrected response.

QUESTIONS/INFORMATION REQUESTED

Adelard Arena at Mount Saint Charles Academy
800 Logee St
Woonsocket, RI 02895

1. Does the Facility have any refrigeration systems that use anhydrous ammonia? **Yes** ___ **No** ___ How many? _____
2. What is the inventory of anhydrous ammonia contained within each ammonia refrigeration system referenced in your answer to Question 1 above? (list individually)

| Refrigeration System | Inventory of Anhydrous Ammonia (pounds) |
|----------------------|---|
| | |
| | |
| | |

3. Has a Process Hazard Review been performed on each ammonia refrigeration system referenced in your answer to Questions 1 and 2 above? **Yes** ___ **No** ___

If yes, specify the type of review, the year of the review, and who conducted it.

| Refrigeration System | Type of Process Hazard Review (Specify industry checklist, What-If Analysis, HAZOP Analysis, or other) | Date of Process Hazard Review | Who Conducted Hazard Review (Specify outside team, your company, or other) |
|----------------------|--|-------------------------------|--|
| | | | |
| | | | |
| | | | |

4. Has the Facility experienced an ammonia release in the last five years that resulted in deaths, injuries, significant property or environmental damage, evacuations, or sheltering in place? **Yes** ___ **No** ___

If yes, please include a brief description of the ammonia release, including the date, cause, amount released, and consequences of the release. _____

DECLARATION

Adelard Arena at Mount Saint Charles Academy
800 Logee St
Woonsocket, RI 02895

I declare under penalty of perjury that I am the

_____ of _____,
Title **Company**

that I am authorized to respond on behalf of

_____, and that the foregoing is a complete, true,
Company

and correct response.

Executed on _____
Date

Signature

Name and Title

Compliance Assurance and Enforcement Focus: Improving Safety at Facilities in New England with Smaller Ammonia Refrigeration Systems

Ammonia: An Efficient Refrigerant That Must Be Safely Managed

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continued >>

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Automotive Service and Repair www.ccar-greenlink.org or 1-888-GRN-LINK

Chemical Manufacturing www.chemalliance.org

Construction www.cicacenter.org

Education www.campuserc.org

Food Processing www.fpeac.org

Healthcare www.hercenter.org

Local Government www.lgean.org

Surface Finishing <http://www.sterc.org>

Paints and Coatings www.paintcenter.org

Printing www.pneac.org

Ports www.portcompliance.org

Transportation www.tercenter.org

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The Portal helps users locate tribal-related information within EPA and other federal agencies.

EPA Compliance Incentives

EPA provides incentives for environmental compliance. By participating in compliance assistance programs or voluntarily disclosing and promptly correcting violations before an enforcement action has been initiated, businesses may be eligible for penalty waivers or reductions. EPA has two such policies that may apply to small businesses:

EPA's Small Business Compliance Policy

www.epa.gov/enforcement/small-businesses-and-enforcement

EPA's Audit Policy

www.epa.gov/compliance/epas-audit-policy

Commenting on Federal Enforcement Actions and Compliance Activities

The Small Business Regulatory Enforcement Fairness Act (SBREFA) established a SBREFA Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. If you believe that you fall within the Small Business Administration's definition of a small business (based on your North American Industry Classification System designation, number of employees or annual receipts, as defined at 13 C.F.R. 121.201; in most cases, this means a business with 500 or fewer employees), and wish to comment on federal enforcement and compliance activities, call the SBREFA Ombudsman's toll-free number at 1-888-REG-FAIR (1-888-734-3247).

Every small business that is the subject of an enforcement or compliance action is entitled to comment on the Agency's actions without fear of retaliation. EPA employees are prohibited from using enforcement or any other means of retaliation against any member of the regulated community in response to comments made under SBREFA.

Your Duty to Comply

If you receive compliance assistance or submit a comment to the SBREFA Ombudsman or Regional Fairness Boards, you still have the duty to comply with the law, including providing timely responses to EPA information requests, administrative or civil complaints, other enforcement actions or communications. The assistance information and comment processes do not give you any new rights or defenses in any enforcement action. These processes also do not affect EPA's obligation to protect public health or the environment under any of the environmental statutes it enforces, including the right to take emergency remedial or emergency response actions when appropriate. Those decisions will be based on the facts in each situation. The SBREFA Ombudsman and Fairness Boards do not participate in resolving EPA's enforcement actions. Also, remember that to preserve your rights, you need to comply with all rules governing the enforcement process.

EPA is disseminating this information to you without making a determination that your business or organization is a small business as defined by Section 222 of the Small Business Regulatory Enforcement Fairness Act or related provisions.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I
5 POST OFFICE SQUARE SUITE 100
BOSTON, MASSACHUSETTS 02109-3912

MAY 17 2019

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Carl Verderame, Information Technology Manager
Dee Zee Ice, LLC
93 Industrial Dr
Southington, CT 06489-1181

Re: Information Request Pursuant to the Clean Air Act

Dear Carl Verderame:

In March of 2019, the U.S. Environmental Protection Agency (“EPA”) provided you notice of its plans to begin an enforcement initiative to increase companies’ compliance with the “General Duty Clause” of Section 112(r)(1) of the Clean Air Act (“CAA”), 42 U.S.C. § 7412(r)(1), in certain states. See “Improving Safety at Facilities in New England with Smaller Ammonia Refrigeration Systems” (attached). This notice was widely shared with companies that operate ammonia refrigeration facilities, ammonia suppliers, ammonia contractors, and trade associations. This letter is part of the described initiative.

Please review this letter carefully. It contains an “Information Request” that requires you to submit certain information to EPA within **fifteen (15) days** of your receipt of this letter.

INFORMATION REQUEST

EPA issues this Information Request under the authority of Section 114(a)(1) of the CAA, 42 U.S.C. § 7414(a)(1), which authorizes EPA to require a company to submit such information and conduct such reporting or auditing as EPA may reasonably require to determine compliance with the CAA and to carry out the purposes of the CAA. It requests certain information about the refrigeration system (“Refrigeration System”) at Dee Zee Ice, LLC’s facility at 93 Industrial Dr in Southington, CT (“Facility”) in order to investigate your compliance with the General Duty Clause of Section 112(r)(1) of the CAA, 42 U.S.C. § 7412(r)(1).

The goal of Section 112(r) of the Clean Air Act, 42 U.S.C. § 7412(r), is to reduce the risk of chemical accidents. Pursuant to the General Duty Clause, owners and operators of stationary sources producing, processing, handling, or storing substances listed pursuant to Section 112(r)(3) of the Clean Air Act, 42 U.S.C. § 7412(r)(3), or any other extremely hazardous substance, have a general duty to:

1. Identify hazards which may result from accidental releases of such substances using appropriate hazard assessment techniques;

2. Design and maintain a safe facility taking such steps as are necessary to prevent releases; and
3. Minimize the consequences of accidental releases that do occur.

Guidance documents that further explain the General Duty Clause may be found at <https://www.epa.gov/enforcement/guidance-implementation-general-duty-clause-clean-air-act-cao-section-112r1-may-2000> and <https://www.epa.gov/sites/production/files/2015-02/documents/112renforcementalert.pdf>. Also, the International Institute of Ammonia Refrigeration has issued industry standards and guidance that can help facilities comply with the General Duty Clause. *See, e.g.*, The Ammonia Refrigeration Management (“ARM”) Program, available through www.iiar.org.

Information obtained by EPA, including chemical inventory (“Tier II”) reports¹¹ submitted by Dee Zee Ice, LLC, indicates that the Refrigeration System uses anhydrous ammonia. Anhydrous ammonia is an extremely hazardous substance subject to the General Duty Clause.

While companies have an obligation to comply with all three duties of the General Duty Clause, this Information Request only focuses on Dee Zee Ice, LLC’s compliance with the first duty: the duty to identify hazards which may result from accidental releases of anhydrous ammonia from the Refrigeration System using appropriate hazard techniques. You are required to submit the information requested in the “Information Request” and “Declaration” portions of the enclosed Attachment 1 by filling in all of the blanks with the appropriate information. You can fill out the form by hand, or if you prefer, you may contact EPA to receive an electronic version of the form. Then mail or e-mail the completed form to the EPA person and address listed at the top of Attachment 1.

Compliance with this Information Request is mandatory. Failure to respond fully and truthfully, or to adequately justify any failure to respond, **within fifteen (15) days of receipt of this letter** can result in an enforcement action by EPA pursuant to Section 113 of the CAA, 42 U.S.C. § 7413. This statute permits EPA to seek the imposition of penalties. This Information Request is not subject to Office of Management and Budget review under the Paperwork Reduction Act. Please be further advised that provision of false, fictitious, or fraudulent statements or representations may subject you to criminal penalties.

You may, if you desire, assert a business confidentiality claim covering part or all of the information requested, in the manner described by 40 C.F.R. § 2.203(b). You should read the above-cited regulations carefully before asserting a business confidentiality claim, as certain categories of information are not properly the subject of such a claim. If no such claim accompanies the information submitted, the information may be made available to the public by EPA without further notice to you.

¹¹ Tier II reports are submitted pursuant to Section 312 of the Emergency Planning and Community Right-to-Know Act (“EPCRA”), 42 U.S.C. § 11022.

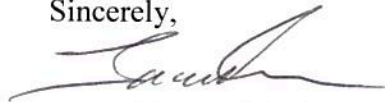
FOLLOW-UP TO INFORMATION REQUEST

EPA will review Dee Zee Ice, LLC's response to the Information Request. If the response indicates that Dee Zee Ice, LLC has performed a Process Hazard Review of the Refrigeration System, Dee Zee Ice, LLC's involvement in this initiative will conclude.

If Dee Zee Ice, LLC's response reveals a violation of the first duty of the General Duty Clause (*i.e.*, Dee Zee Ice, LLC has **not** performed an analysis of the hazards of the Refrigeration System using appropriate hazard assessment techniques), and that the Facility has not experienced a significant release of ammonia in the last five years (*i.e.*, you answer "no" in response to question 4 of the Information Request), then EPA will follow-up by sending Dee Zee Ice, LLC an offer to resolve this violation quickly and at a steep discount via an Expedited Settlement Agreement ("ESA"). The voluntary ESA will require Dee Zee Ice, LLC to retain a third-party expert to perform a Process Hazard Review of the Refrigeration System using appropriate hazard assessment techniques. The ESA will also require Dee Zee Ice, LLC to meet with the local emergency responders to plan for an emergency response in the event of an ammonia release and to certify that it has filed a Tier II form with local and state emergency responders pursuant to Section 312 of the Emergency Planning and Community Right-to-Know Act, 42 U.S.C. § 11022, and 40 C.F.R. Part 270.

If you have any questions with regard to this Information Request, please contact Mary Jane O'Donnell of my staff at (617) 918-1371 or odonnell.maryjane@epa.gov.

Sincerely,



James Chow, Chief
Enforcement and Compliance Assurance Branch
Enforcement and Compliance Assurance Division

Enclosures

1. Information Request
2. Public Notice of Enforcement Initiative
3. Small Business Information Sheet

cc: Christine Foot, Esq., EPA

ATTACHMENT 1

INFORMATION REQUEST

Instructions: Complete this form and the Declaration and mail or e-mail it to:

Mary Jane O'Donnell, Chief
Waste and Chemical Compliance Section
Enforcement and Compliance Assurance Division
U. S. Environmental Protection Agency, Region I
5 Post Office Square, Suite 100 (Mail Code 05-1)
Boston, Massachusetts 02109-3912
O'donnell.maryjane@epa.gov

Guidance on How to Respond. Please respond fully to each of the questions, using the spaces provided. As part of your response, please complete the enclosed Declaration (see below). Your submission must be a self-explanatory, complete response that is dated and signed by an authorized facility official. It is acceptable to fill out the form by hand, but if you prefer, you may contact EPA to receive an electronic copy of the form.

Continuing Obligation to Provide/Correct Information. If additional information responsive to these questions becomes known or available after answering this request, including, but not limited to, specific information that may be deemed *unknown* at the time of your response, EPA hereby requests, pursuant to Section 114(a)(1) of the CAA, 42 U.S.C. § 7414(a)(1), that you supplement your response to EPA within ten (10) days of discovering such information. If at any time after the submission of this response, you discover or believe that any portion of the submitted information is incomplete or misrepresents the truth, notify Mary Jane O'Donnell of this fact as soon as possible and provide EPA with a corrected response.

QUESTIONS/INFORMATION REQUESTED

Dee Zee Ice, LLC
93 Industrial Dr
Southington, CT 06489-1181

1. Does the Facility have any refrigeration systems that use anhydrous ammonia? **Yes** ___ **No** ___ How many? _____
2. What is the inventory of anhydrous ammonia contained within each ammonia refrigeration system referenced in your answer to Question 1 above? (list individually)

| Refrigeration System | Inventory of Anhydrous Ammonia (pounds) |
|----------------------|---|
| | |
| | |
| | |

3. Has a Process Hazard Review been performed on each ammonia refrigeration system referenced in your answer to Questions 1 and 2 above? **Yes** ___ **No** ___

If yes, specify the type of review, the year of the review, and who conducted it.

| Refrigeration System | Type of Process Hazard Review (Specify industry checklist, What-If Analysis, HAZOP Analysis, or other) | Date of Process Hazard Review | Who Conducted Hazard Review (Specify outside team, your company, or other) |
|----------------------|--|-------------------------------|--|
| | | | |
| | | | |
| | | | |

4. Has the Facility experienced an ammonia release in the last five years that resulted in deaths, injuries, significant property or environmental damage, evacuations, or sheltering in place? **Yes** ___ **No** ___

If yes, please include a brief description of the ammonia release, including the date, cause, amount released, and consequences of the release. _____

DECLARATION

Dee Zee Ice, LLC
93 Industrial Dr
Southington, CT 06489-1181

I declare under penalty of perjury that I am the

_____ of _____,
Title Company

that I am authorized to respond on behalf of

_____, and that the foregoing is a complete, true,
Company

and correct response.

Executed on _____
Date

Signature

Name and Title

Compliance Assurance and Enforcement Focus: Improving Safety at Facilities in New England with Smaller Ammonia Refrigeration Systems

Ammonia: An Efficient Refrigerant That Must Be Safely Managed

While anhydrous ammonia has many environmental and operational benefits, it is also an extremely hazardous substance that, if accidentally released, presents a significant health hazard because it is corrosive to the skin, eyes, and lungs. Ammonia is also flammable at certain concentrations in air.



EPA inspection photo reveals dangerous ice buildup on ammonia piping and valves.

How Safe Is Your Refrigeration System?

Accidental releases of ammonia from refrigeration facilities have injured or killed people. See <https://www.epa.gov/sites/production/files/2015-02/documents/112reinforcementalert.pdf>

Some of the most dangerous facilities that EPA inspected were not aware of the hazards that their refrigeration systems posed to the public, emergency responders, and employees.

Does Your Facility Use Ammonia Refrigeration?

The Environmental Protection Agency (EPA) would like to work with facilities that have ammonia refrigeration systems to improve their safety, protect workers and the public from exposure to toxic gas, and avoid product losses.

Notice of Compliance Assurance and Enforcement Initiative

EPA is providing advance notice of an upcoming enforcement initiative so that you can take steps now to avoid a penalty before the initiative begins.

The Initiative will focus on ammonia refrigeration facilities using fewer than 10,000 pounds of anhydrous ammonia to enhance their compliance with the General Duty Clause of Section 112(r) of the Clean Air Act ("CAA"), 42 U.S.C. §(r)(1), and with Section 312 of the Emergency Planning and Community Right-to-Know Act (EPCRA), 42 U.S.C. § 11022. Failure to comply with these requirements puts the public at risk of exposure to anhydrous ammonia.

Compliance Help

Go to <https://www.epa.gov/enforcement/compliance-assistance-tools-and-resources-ammonia-refrigeration-sector> for a list of compliance resources, including guidance documents and links to refrigeration-related trade associations.

continued >>

How Can I Comply With The General Duty Clause (GDC)?

The goal of Section 112(r) of the Clean Air Act, 42 U.S.C. § 7412(r), is to reduce the risk of chemical accidents. Owners and operators of stationary sources producing, processing, handling, or storing extremely hazardous substances, including anhydrous ammonia, must:

1. identify hazards which may result from accidental releases using appropriate hazard assessment techniques;
2. design and maintain a safe facility taking steps to prevent releases; and
3. minimize the consequences of accidental releases that do occur.

For more information on the General Duty Clause: <https://www.epa.gov/sites/production/files/documents/gendutyclause-rpt.pdf>.

This Initiative focuses on the first duty listed above. Conduct a comprehensive hazard review of your refrigeration system to comply with the duty to identify hazards. Appropriate hazard identification techniques include standard industry checklists and What-if analyses. See above link for more information. Trade associations may be able to help you find experienced consultants and hazard identification materials.

How will EPA's Initiative Work?

Information Request: EPA has begun preliminary investigations into compliance with the General Duty Clause by facilities that it believes has fewer than 10,000 pounds of ammonia. The primary focus of this Initiative is facilities with more than 1,000 pounds of ammonia. EPA will send brief, targeted Information Requests to selected facilities that it has reason to believe may be out of compliance. Facilities will be required to respond to EPA answering four questions about their ammonia refrigeration systems, including whether a process hazard review has been performed. If a facility has not performed the required hazard review, EPA will inform the facility that it has violated the first duty of the General Duty Clause.

Settlement: Unless a significant release has occurred at the facility, EPA will offer to resolve this violation for a discounted penalty, provided the company agrees to perform a hazard review of its system with the help of an expert. The company will also be required to meet with emergency responders and submit any missing Tier II forms.

Follow-up: EPA will inspect a small subset of facilities to determine if the Initiative has improved compliance with the General Duty Clause.

How Can I Comply With EPCRA?

Section 312 of EPCRA requires facilities to report the presence of certain chemicals, including anhydrous ammonia, to emergency planning and response agencies. The goal is to ensure that emergency responders and planners know what chemicals are on site should they need to respond to an incident and that people in the community can get information about chemicals in their neighborhood.

What Can I Do Now To Avoid a Penalty?

If you haven't already, conduct a process hazard review. Companies that respond to the Information Request indicating that a hazard review has already been performed will not need to take further action under this Initiative. To avoid EPCRA penalties, see if you qualify for penalty relief under EPA's Audit Policy. Go to https://www.epa.gov/compliance/epas-audit-policy#_bookmark3 for more information and to <https://www.epa.gov/compliance/epas-edisclosure> for EPA's web-based "e-Disclosure" portal.

EPCRA Inventory Forms (Tier II forms) are due annually by March 1.

For more information about EPCRA reporting, go to: <https://www.epa.gov/epcra>.

U.S. EPA Small Business Resources Information Sheet

The United States Environmental Protection Agency provides an array of resources to help small businesses understand and comply with federal and state environmental laws. In addition to helping small businesses understand their environmental obligations and improve compliance, these resources will also help such businesses find cost-effective ways to comply through pollution prevention techniques and innovative technologies.

Office of Small and Disadvantaged Business Utilization (OSDBU)

www.epa.gov/aboutepa/about-office-small-and-disadvantaged-business-utilization-osdbu

EPA's OSDBU advocates and advances business, regulatory, and environmental compliance concerns of small and socio-economically disadvantaged businesses.

EPA's Asbestos Small Business Ombudsman (ASBO)

www.epa.gov/resources-small-businesses/asbestos-small-business-ombudsman or 1-800-368-5888

The EPA ASBO serves as a conduit for small businesses to access EPA and facilitates communications between the small business community and the Agency.

Small Business Environmental Assistance Program

<https://nationalsbeap.org>

This program provides a "one-stop shop" for small businesses and assistance providers seeking information on a wide range of environmental topics and state-specific environmental compliance assistance resources.

EPA's Compliance Assistance Homepage

www.epa.gov/compliance

This page is a gateway to industry and statute-specific environmental resources, from extensive web-based information to hotlines and compliance assistance specialists.

Compliance Assistance Centers

www.complianceassistance.net

EPA sponsored Compliance Assistance Centers provide information targeted to industries with many small businesses. They were developed in partnership with industry, universities and other federal and state agencies.

Agriculture

www.epa.gov/agriculture

Automotive Recycling

www.ecarcenter.org

Automotive Service and Repair

www.ccar-greenlink.org or 1-888-GRN-LINK

Chemical Manufacturing

www.chemalliance.org

Construction

www.cicacenter.org

Education

www.campuserc.org

Food Processing

www.fpeac.org

Healthcare

www.hercenter.org

Local Government

www.lgean.org

Surface Finishing

<http://www.sterc.org>

Paints and Coatings

www.paintcenter.org

Printing

www.pneac.org

Ports

www.portcompliance.org

Transportation

www.tercenter.org

U.S. Border Compliance and Import/Export Issues

www.bordercenter.org

EPA Hotlines and Clearinghouses

www.epa.gov/home/epa-hotlines

EPA sponsors many free hotlines and clearinghouses that provide convenient assistance regarding environmental requirements. Examples include:

Clean Air Technology Center (CATC) Info-line

www.epa.gov/catc or 1-919-541-0800

Superfund, TRI, EPCRA, RMP, and Oil Information Center

1-800-424-9346

EPA Imported Vehicles and Engines Public Helpline

www.epa.gov/otaq/imports or 1-734-214-4100

National Pesticide Information Center

www.npic.orst.edu or 1-800-858-7378

National Response Center Hotline to report oil and hazardous substance spills - <http://nrc.uscg.mil> or 1-800-424-8802

Pollution Prevention Information Clearinghouse (PPIC) -

www.epa.gov/p2/pollution-prevention-resources#ppic or 1-202-566-0799

Safe Drinking Water Hotline -

www.epa.gov/ground-water-and-drinking-water/safe-drinking-water-hotline or 1-800-426-4791

Toxic Substances Control Act (TSCA) Hotline

tsc hotline@epa.gov or 1-202-554-1404

Small Entity Compliance Guides

<https://www.epa.gov/reg-flex/small-entity-compliance-guides>

EPA publishes a Small Entity Compliance Guide (SECG) for every rule for which the Agency has prepared a final regulatory flexibility analysis, in accordance with Section 604 of the Regulatory Flexibility Act (RFA).

Regional Small Business Liaisons

www.epa.gov/resources-small-businesses/epa-regional-office-small-business-liaisons

The U.S. Environmental Protection Agency (EPA) Regional Small Business Liaison (RSBL) is the primary regional contact and often the expert on small business assistance, advocacy, and outreach. The RSBL is the regional voice for the EPA Asbestos and Small Business Ombudsman (ASBO).

State Resource Locators

www.envcap.org/statetools

The Locators provide state-specific contacts, regulations and resources covering the major environmental laws.

State Small Business Environmental Assistance Programs (SBEAPs)

<https://nationalsbeap.org/states/list>

State SBEAPs help small businesses and assistance providers understand environmental requirements and sustainable business practices through workshops, trainings and site visits.

EPA's Tribal Portal

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The Portal helps users locate tribal-related information within EPA and other federal agencies.

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EPA is disseminating this information to you without making a determination that your business or organization is a small business as defined by Section 222 of the Small Business Regulatory Enforcement Fairness Act or related provisions.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I
5 POST OFFICE SQUARE SUITE 100
BOSTON, MASSACHUSETTS 02109-3912

MAY 17 2019

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Greg Boone, Associate Director of Grounds/Rink
Howard Rink, St. George's School
372 Purgatory Rd
Middletown, RI 02842

Re: Information Request Pursuant to the Clean Air Act

Dear Greg Boone:

In March of 2019, the U.S. Environmental Protection Agency ("EPA") provided you notice of its plans to begin an enforcement initiative to increase companies' compliance with the "General Duty Clause" of Section 112(r)(1) of the Clean Air Act ("CAA"), 42 U.S.C. § 7412(r)(1), in certain states. See "Improving Safety at Facilities in New England with Smaller Ammonia Refrigeration Systems" (attached). This notice was widely shared with companies that operate ammonia refrigeration facilities, ammonia suppliers, ammonia contractors, and trade associations. This letter is part of the described initiative.

Please review this letter carefully. It contains an "Information Request" that requires you to submit certain information to EPA within **fifteen (15) days** of your receipt of this letter.

INFORMATION REQUEST

EPA issues this Information Request under the authority of Section 114(a)(1) of the CAA, 42 U.S.C. § 7414(a)(1), which authorizes EPA to require a company to submit such information and conduct such reporting or auditing as EPA may reasonably require to determine compliance with the CAA and to carry out the purposes of the CAA. It requests certain information about the refrigeration system ("Refrigeration System") at St. George's School's Howard Rink facility at 372 Purgatory Rd in Middletown, RI ("Facility") in order to investigate your compliance with the General Duty Clause of Section 112(r)(1) of the CAA, 42 U.S.C. § 7412(r)(1).

The goal of Section 112(r) of the Clean Air Act, 42 U.S.C. § 7412(r), is to reduce the risk of chemical accidents. Pursuant to the General Duty Clause, owners and operators of stationary sources producing, processing, handling, or storing substances listed pursuant to Section 112(r)(3) of the Clean Air Act, 42 U.S.C. § 7412(r)(3), or any other extremely hazardous substance, have a general duty to:

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Information obtained by EPA, including chemical inventory ("Tier II") reports¹² submitted by St. George's School, indicates that the Refrigeration System uses anhydrous ammonia. Anhydrous ammonia is an extremely hazardous substance subject to the General Duty Clause.

While companies have an obligation to comply with all three duties of the General Duty Clause, this Information Request only focuses on St. George's School's compliance with the first duty: the duty to identify hazards which may result from accidental releases of anhydrous ammonia from the Refrigeration System using appropriate hazard techniques. You are required to submit the information requested in the "Information Request" and "Declaration" portions of the enclosed Attachment 1 by filling in all of the blanks with the appropriate information. You can fill out the form by hand, or if you prefer, you may contact EPA to receive an electronic version of the form. Then mail or e-mail the completed form to the EPA person and address listed at the top of Attachment 1.

Compliance with this Information Request is mandatory. Failure to respond fully and truthfully, or to adequately justify any failure to respond, **within fifteen (15) days of receipt of this letter** can result in an enforcement action by EPA pursuant to Section 113 of the CAA, 42 U.S.C. § 7413. This statute permits EPA to seek the imposition of penalties. This Information Request is not subject to Office of Management and Budget review under the Paperwork Reduction Act. Please be further advised that provision of false, fictitious, or fraudulent statements or representations may subject you to criminal penalties.

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¹² Tier II reports are submitted pursuant to Section 312 of the Emergency Planning and Community Right-to-Know Act ("EPCRA"), 42 U.S.C. § 11022.

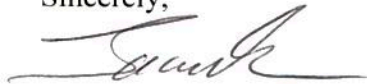
FOLLOW-UP TO INFORMATION REQUEST

EPA will review St. George's School's response to the Information Request. If the response indicates that St. George's School has performed a Process Hazard Review of the Refrigeration System, St. George's School's involvement in this initiative will conclude.

If St. George's School's response reveals a violation of the first duty of the General Duty Clause (*i.e.*, St. George's School has **not** performed an analysis of the hazards of the Refrigeration System using appropriate hazard assessment techniques), and that the Facility has not experienced a significant release of ammonia in the last five years (*i.e.*, you answer "no" in response to question 4 of the Information Request), then EPA will follow-up by sending St. George's School an offer to resolve this violation quickly and at a steep discount via an Expedited Settlement Agreement ("ESA"). The voluntary ESA will require St. George's School to retain a third-party expert to perform a Process Hazard Review of the Refrigeration System using appropriate hazard assessment techniques. The ESA will also require St. George's School to meet with the local emergency responders to plan for an emergency response in the event of an ammonia release and to certify that it has filed a Tier II form with local and state emergency responders pursuant to Section 312 of the Emergency Planning and Community Right-to-Know Act, 42 U.S.C. § 11022, and 40 C.F.R. Part 270.

If you have any questions with regard to this Information Request, please contact Mary Jane O'Donnell of my staff at (617) 918-1371 or odonnell.maryjane@epa.gov.

Sincerely,



James Chow, Chief
Enforcement and Compliance Assurance Branch
Enforcement and Compliance Assurance Division

Enclosures

1. Information Request
2. Public Notice of Enforcement Initiative
3. Small Business Information Sheet

cc: Christine Foot, Esq., EPA

ATTACHMENT 1

INFORMATION REQUEST

Instructions: Complete this form and the Declaration and mail or e-mail it to:

Mary Jane O'Donnell, Chief
Waste and Chemical Compliance Section
Enforcement and Compliance Assurance Division
U. S. Environmental Protection Agency, Region I
5 Post Office Square, Suite 100 (Mail Code 05-1)
Boston, Massachusetts 02109-3912
O'donnell.maryjane@epa.gov

Guidance on How to Respond. Please respond fully to each of the questions, using the spaces provided. As part of your response, please complete the enclosed Declaration (see below). Your submission must be a self-explanatory, complete response that is dated and signed by an authorized facility official. It is acceptable to fill out the form by hand, but if you prefer, you may contact EPA to receive an electronic copy of the form.

Continuing Obligation to Provide/Correct Information. If additional information responsive to these questions becomes known or available after answering this request, including, but not limited to, specific information that may be deemed *unknown* at the time of your response, EPA hereby requests, pursuant to Section 114(a)(1) of the CAA, 42 U.S.C. § 7414(a)(1), that you supplement your response to EPA within ten (10) days of discovering such information. If at any time after the submission of this response, you discover or believe that any portion of the submitted information is incomplete or misrepresents the truth, notify Mary Jane O'Donnell of this fact as soon as possible and provide EPA with a corrected response.

QUESTIONS/INFORMATION REQUESTED

Howard Rink, St. George's School
372 Purgatory Rd
Middletown, RI 02842

1. Does the Facility have any refrigeration systems that use anhydrous ammonia? **Yes** ___ **No** ___ How many? _____
2. What is the inventory of anhydrous ammonia contained within each ammonia refrigeration system referenced in your answer to Question 1 above? (list individually)

| Refrigeration System | Inventory of Anhydrous Ammonia (pounds) |
|----------------------|---|
| | |
| | |
| | |

3. Has a Process Hazard Review been performed on each ammonia refrigeration system referenced in your answer to Questions 1 and 2 above? **Yes** ___ **No** ___

If yes, specify the type of review, the year of the review, and who conducted it.

| Refrigeration System | Type of Process Hazard Review (Specify industry checklist, What-If Analysis, HAZOP Analysis, or other) | Date of Process Hazard Review | Who Conducted Hazard Review (Specify outside team, your company, or other) |
|----------------------|--|-------------------------------|--|
| | | | |
| | | | |
| | | | |

4. Has the Facility experienced an ammonia release in the last five years that resulted in deaths, injuries, significant property or environmental damage, evacuations, or sheltering in place? **Yes** ___ **No** ___

If yes, please include a brief description of the ammonia release, including the date, cause, amount released, and consequences of the release. _____

DECLARATION

Howard Rink, St. George's School
372 Purgatory Rd
Middletown, RI 02842

I declare under penalty of perjury that I am the

_____ of _____,
Title Company

that I am authorized to respond on behalf of

_____, and that the foregoing is a complete, true,
Company

and correct response.

Executed on _____
Date

Signature

Name and Title

Compliance Assurance and Enforcement Focus: Improving Safety at Facilities in New England with Smaller Ammonia Refrigeration Systems

Ammonia: An Efficient Refrigerant That Must Be Safely Managed

While anhydrous ammonia has many environmental and operational benefits, it is also an extremely hazardous substance that, if accidentally released, presents a significant health hazard because it is corrosive to the skin, eyes, and lungs. Ammonia is also flammable at certain concentrations in air.



EPA inspection photo reveals dangerous ice buildup on ammonia piping and valves.

How Safe Is Your Refrigeration System?

Accidental releases of ammonia from refrigeration facilities have injured or killed people. See <https://www.epa.gov/sites/production/files/2015-02/documents/112reinforcementalert.pdf>

Some of the most dangerous facilities that EPA inspected were not aware of the hazards that their refrigeration systems posed to the public, emergency responders, and employees.

Does Your Facility Use Ammonia Refrigeration?

The Environmental Protection Agency (EPA) would like to work with facilities that have ammonia refrigeration systems to improve their safety, protect workers and the public from exposure to toxic gas, and avoid product losses.

Notice of Compliance Assurance and Enforcement Initiative

EPA is providing advance notice of an upcoming enforcement initiative so that you can take steps now to avoid a penalty before the initiative begins.

The Initiative will focus on ammonia refrigeration facilities using fewer than 10,000 pounds of anhydrous ammonia to enhance their compliance with the General Duty Clause of Section 112(r) of the Clean Air Act ("CAA"), 42 U.S.C. §(r)(1), and with Section 312 of the Emergency Planning and Community Right-to-Know Act (EPCRA), 42 U.S.C. § 11022. Failure to comply with these requirements puts the public at risk of exposure to anhydrous ammonia.

Compliance Help

Go to <https://www.epa.gov/enforcement/compliance-assistance-tools-and-resources-ammonia-refrigeration-sector> for a list of compliance resources, including guidance documents and links to refrigeration-related trade associations.

continued >>

How Can I Comply With The General Duty Clause (GDC)?

The goal of Section 112(r) of the Clean Air Act, 42 U.S.C. § 7412(r), is to reduce the risk of chemical accidents. Owners and operators of stationary sources producing, processing, handling, or storing extremely hazardous substances, including anhydrous ammonia, must:

1. identify hazards which may result from accidental releases using appropriate hazard assessment techniques;
2. design and maintain a safe facility taking steps to prevent releases; and
3. minimize the consequences of accidental releases that do occur.

For more information on the General Duty Clause: <https://www.epa.gov/sites/production/files/documents/gendutyclause-rpt.pdf>.

This Initiative focuses on the first duty listed above. Conduct a comprehensive hazard review of your refrigeration system to comply with the duty to identify hazards. Appropriate hazard identification techniques include standard industry checklists and What-if analyses. See above link for more information. Trade associations may be able to help you find experienced consultants and hazard identification materials.

How will EPA's Initiative Work?

Information Request: EPA has begun preliminary investigations into compliance with the General Duty Clause by facilities that it believes has fewer than 10,000 pounds of ammonia. The primary focus of this Initiative is facilities with more than 1,000 pounds of ammonia. EPA will send brief, targeted Information Requests to selected facilities that it has reason to believe may be out of compliance. Facilities will be required to respond to EPA answering four questions about their ammonia refrigeration systems, including whether a process hazard review has been performed. If a facility has not performed the required hazard review, EPA will inform the facility that it has violated the first duty of the General Duty Clause.

Settlement: Unless a significant release has occurred at the facility, EPA will offer to resolve this violation for a discounted penalty, provided the company agrees to perform a hazard review of its system with the help of an expert. The company will also be required to meet with emergency responders and submit any missing Tier II forms.

Follow-up: EPA will inspect a small subset of facilities to determine if the Initiative has improved compliance with the General Duty Clause.

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Section 312 of EPCRA requires facilities to report the presence of certain chemicals, including anhydrous ammonia, to emergency planning and response agencies. The goal is to ensure that emergency responders and planners know what chemicals are on site should they need to respond to an incident and that people in the community can get information about chemicals in their neighborhood.

What Can I Do Now To Avoid a Penalty?

If you haven't already, conduct a process hazard review. Companies that respond to the Information Request indicating that a hazard review has already been performed will not need to take further action under this Initiative. To avoid EPCRA penalties, see if you qualify for penalty relief under EPA's Audit Policy. Go to https://www.epa.gov/compliance/epas-audit-policy#_bookmark3 for more information and to <https://www.epa.gov/compliance/epas-edisclosure> for EPA's web-based "e-Disclosure" portal.

EPCRA Inventory Forms (Tier II forms) are due annually by March 1.

For more information about EPCRA reporting, go to: <https://www.epa.gov/epcra>.

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The United States Environmental Protection Agency provides an array of resources to help small businesses understand and comply with federal and state environmental laws. In addition to helping small businesses understand their environmental obligations and improve compliance, these resources will also help such businesses find cost-effective ways to comply through pollution prevention techniques and innovative technologies.

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www.epa.gov/aboutepa/about-office-small-and-disadvantaged-business-utilization-osdbu

EPA's OSDBU advocates and advances business, regulatory, and environmental compliance concerns of small and socio-economically disadvantaged businesses.

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Compliance Assistance Centers

www.complianceassistance.net

EPA sponsored Compliance Assistance Centers provide information targeted to industries with many small businesses. They were developed in partnership with industry, universities and other federal and state agencies.

Agriculture

www.epa.gov/agriculture

Automotive Recycling

www.ecarcenter.org

Automotive Service and Repair

www.ccar-greenlink.org or 1-888-GRN-LINK

Chemical Manufacturing

www.chemalliance.org

Construction

www.cicacenter.org

Education

www.campuserc.org

Food Processing

www.fpeac.org

Healthcare

www.hercenter.org

Local Government

www.lgean.org

Surface Finishing

<http://www.sterc.org>

Paints and Coatings

www.paintcenter.org

Printing

www.pneac.org

Ports

www.portcompliance.org

Transportation

www.tercenter.org

U.S. Border Compliance and Import/Export Issues

www.bordercenter.org

EPA Hotlines and Clearinghouses

www.epa.gov/home/epa-hotlines

EPA sponsors many free hotlines and clearinghouses that provide convenient assistance regarding environmental requirements. Examples include:

Clean Air Technology Center (CATC) Info-line

www.epa.gov/catc or 1-919-541-0800

Superfund, TRI, EPCRA, RMP, and Oil Information Center

1-800-424-9346

EPA Imported Vehicles and Engines Public Helpline

www.epa.gov/otaq/imports or 1-734-214-4100

National Pesticide Information Center

www.npic.orst.edu or 1-800-858-7378

National Response Center Hotline to report oil and hazardous substance spills - <http://nrc.uscg.mil> or 1-800-424-8802

Pollution Prevention Information Clearinghouse (PPIC) -

www.epa.gov/p2/pollution-prevention-resources/ppic or 1-202-566-0799

Safe Drinking Water Hotline -

www.epa.gov/ground-water-and-drinking-water/safe-drinking-water-hotline or 1-800-426-4791

Toxic Substances Control Act (TSCA) Hotline

tsc hotline@epa.gov or 1-202-554-1404

Small Entity Compliance Guides

<https://www.epa.gov/reg-flex/small-entity-compliance-guides>

EPA publishes a Small Entity Compliance Guide (SECG) for every rule for which the Agency has prepared a final regulatory flexibility analysis, in accordance with Section 604 of the Regulatory Flexibility Act (RFA).

Regional Small Business Liaisons

www.epa.gov/resources-small-businesses/epa-regional-office-small-business-liaisons

The U.S. Environmental Protection Agency (EPA) Regional Small Business Liaison (RSBL) is the primary regional contact and often the expert on small business assistance, advocacy, and outreach. The RSBL is the regional voice for the EPA Asbestos and Small Business Ombudsman (ASBO).

State Resource Locators

www.envcap.org/statetools

The Locators provide state-specific contacts, regulations and resources covering the major environmental laws.

State Small Business Environmental Assistance Programs (SBEAPs)

<https://nationalsbeap.org/states/list>

State SBEAPs help small businesses and assistance providers understand environmental requirements and sustainable business practices through workshops, trainings and site visits.

EPA's Tribal Portal

www.epa.gov/tribalportal

The Portal helps users locate tribal-related information within EPA and other federal agencies.

EPA Compliance Incentives

EPA provides incentives for environmental compliance. By participating in compliance assistance programs or voluntarily disclosing and promptly correcting violations before an enforcement action has been initiated, businesses may be eligible for penalty waivers or reductions. EPA has two such policies that may apply to small businesses:

EPA's Small Business Compliance Policy

www.epa.gov/enforcement/small-businesses-and-enforcement

EPA's Audit Policy

www.epa.gov/compliance/epas-audit-policy

Commenting on Federal Enforcement Actions and Compliance Activities

The Small Business Regulatory Enforcement Fairness Act (SBREFA) established a SBREFA Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. If you believe that you fall within the Small Business Administration's definition of a small business (based on your North American Industry Classification System designation, number of employees or annual receipts, as defined at 13 C.F.R. 121.201; in most cases, this means a business with 500 or fewer employees), and wish to comment on federal enforcement and compliance activities, call the SBREFA Ombudsman's toll-free number at 1-888-REG-FAIR (1-888-734-3247).

Every small business that is the subject of an enforcement or compliance action is entitled to comment on the Agency's actions without fear of retaliation. EPA employees are prohibited from using enforcement or any other means of retaliation against any member of the regulated community in response to comments made under SBREFA.

Your Duty to Comply

If you receive compliance assistance or submit a comment to the SBREFA Ombudsman or Regional Fairness Boards, you still have the duty to comply with the law, including providing timely responses to EPA information requests, administrative or civil complaints, other enforcement actions or communications. The assistance information and comment processes do not give you any new rights or defenses in any enforcement action. These processes also do not affect EPA's obligation to protect public health or the environment under any of the environmental statutes it enforces, including the right to take emergency remedial or emergency response actions when appropriate. Those decisions will be based on the facts in each situation. The SBREFA Ombudsman and Fairness Boards do not participate in resolving EPA's enforcement actions. Also, remember that to preserve your rights, you need to comply with all rules governing the enforcement process.

EPA is disseminating this information to you without making a determination that your business or organization is a small business as defined by Section 222 of the Small Business Regulatory Enforcement Fairness Act or related provisions.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I
5 POST OFFICE SQUARE SUITE 100
BOSTON, MASSACHUSETTS 02109-3912

MAY 17 2019

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Bruce Diltz, President & COO
Rich Products Corporation
263 Myrtle St
New Britain, CT 06053

Re: Information Request Pursuant to the Clean Air Act

Dear Bruce Diltz:

In March of 2019, the U.S. Environmental Protection Agency ("EPA") provided you notice of its plans to begin an enforcement initiative to increase companies' compliance with the "General Duty Clause" of Section 112(r)(1) of the Clean Air Act ("CAA"), 42 U.S.C. § 7412(r)(1), in certain states. See "Improving Safety at Facilities in New England with Smaller Ammonia Refrigeration Systems" (attached). This notice was widely shared with companies that operate ammonia refrigeration facilities, ammonia suppliers, ammonia contractors, and trade associations. This letter is part of the described initiative.

Please review this letter carefully. It contains an "Information Request" that requires you to submit certain information to EPA within **fifteen (15) days** of your receipt of this letter.

INFORMATION REQUEST

EPA issues this Information Request under the authority of Section 114(a)(1) of the CAA, 42 U.S.C. § 7414(a)(1), which authorizes EPA to require a company to submit such information and conduct such reporting or auditing as EPA may reasonably require to determine compliance with the CAA and to carry out the purposes of the CAA. It requests certain information about the refrigeration system ("Refrigeration System") at Rich Products Corporation's facility at 263 Myrtle St in New Britain, CT ("Facility") in order to investigate your compliance with the General Duty Clause of Section 112(r)(1) of the CAA, 42 U.S.C. § 7412(r)(1).

The goal of Section 112(r) of the Clean Air Act, 42 U.S.C. § 7412(r), is to reduce the risk of chemical accidents. Pursuant to the General Duty Clause, owners and operators of stationary sources producing, processing, handling, or storing substances listed pursuant to Section 112(r)(3) of the Clean Air Act, 42 U.S.C. § 7412(r)(3), or any other extremely hazardous substance, have a general duty to:

1. Identify hazards which may result from accidental releases of such substances using appropriate hazard assessment techniques;

2. Design and maintain a safe facility taking such steps as are necessary to prevent releases; and
3. Minimize the consequences of accidental releases that do occur.

Guidance documents that further explain the General Duty Clause may be found at <https://www.epa.gov/enforcement/guidance-implementation-general-duty-clause-clean-air-act-cao-section-112r1-may-2000> and <https://www.epa.gov/sites/production/files/2015-02/documents/112renforcementalert.pdf>. Also, the International Institute of Ammonia Refrigeration has issued industry standards and guidance that can help facilities comply with the General Duty Clause. *See, e.g.*, The Ammonia Refrigeration Management (“ARM”) Program, available through www.iiar.org.

Information obtained by EPA, including chemical inventory (“Tier II”) reports¹³ submitted by Rich Products Corporation, indicates that the Refrigeration System uses anhydrous ammonia. Anhydrous ammonia is an extremely hazardous substance subject to the General Duty Clause.

While companies have an obligation to comply with all three duties of the General Duty Clause, this Information Request only focuses on Rich Products Corporation’s compliance with the first duty: the duty to identify hazards which may result from accidental releases of anhydrous ammonia from the Refrigeration System using appropriate hazard techniques. You are required to submit the information requested in the “Information Request” and “Declaration” portions of the enclosed Attachment 1 by filling in all of the blanks with the appropriate information. You can fill out the form by hand, or if you prefer, you may contact EPA to receive an electronic version of the form. Then mail or e-mail the completed form to the EPA person and address listed at the top of Attachment 1.

Compliance with this Information Request is mandatory. Failure to respond fully and truthfully, or to adequately justify any failure to respond, **within fifteen (15) days of receipt of this letter** can result in an enforcement action by EPA pursuant to Section 113 of the CAA, 42 U.S.C. § 7413. This statute permits EPA to seek the imposition of penalties. This Information Request is not subject to Office of Management and Budget review under the Paperwork Reduction Act. Please be further advised that provision of false, fictitious, or fraudulent statements or representations may subject you to criminal penalties.

You may, if you desire, assert a business confidentiality claim covering part or all of the information requested, in the manner described by 40 C.F.R. § 2.203(b). You should read the above-cited regulations carefully before asserting a business confidentiality claim, as certain categories of information are not properly the subject of such a claim. If no such claim accompanies the information submitted, the information may be made available to the public by EPA without further notice to you.

¹³ Tier II reports are submitted pursuant to Section 312 of the Emergency Planning and Community Right-to-Know Act (“EPCRA”), 42 U.S.C. § 11022.

FOLLOW-UP TO INFORMATION REQUEST

EPA will review Rich Products Corporation's response to the Information Request. If the response indicates that Rich Products Corporation has performed a Process Hazard Review of the Refrigeration System, Rich Products Corporation's involvement in this initiative will conclude.

If Rich Products Corporation's response reveals a violation of the first duty of the General Duty Clause (*i.e.*, Rich Products Corporation has **not** performed an analysis of the hazards of the Refrigeration System using appropriate hazard assessment techniques), and that the Facility has not experienced a significant release of ammonia in the last five years (*i.e.*, you answer "no" in response to question 4 of the Information Request), then EPA will follow-up by sending Rich Products Corporation an offer to resolve this violation quickly and at a steep discount via an Expedited Settlement Agreement ("ESA"). The voluntary ESA will require Rich Products Corporation to retain a third-party expert to perform a Process Hazard Review of the Refrigeration System using appropriate hazard assessment techniques. The ESA will also require Rich Products Corporation to meet with the local emergency responders to plan for an emergency response in the event of an ammonia release and to certify that it has filed a Tier II form with local and state emergency responders pursuant to Section 312 of the Emergency Planning and Community Right-to-Know Act, 42 U.S.C. § 11022, and 40 C.F.R. Part 270.

If you have any questions with regard to this Information Request, please contact Mary Jane O'Donnell of my staff at (617) 918-1371 or odonnell.maryjane@epa.gov.

Sincerely,



James Chow, Chief
Enforcement and Compliance Assurance Branch
Enforcement and Compliance Assurance Division

Enclosures

1. Information Request
2. Public Notice of Enforcement Initiative
3. Small Business Information Sheet

cc: Christine Foot, Esq., EPA

ATTACHMENT 1

INFORMATION REQUEST

Instructions: Complete this form and the Declaration and mail or e-mail it to:

Mary Jane O'Donnell, Chief
Waste and Chemical Compliance Section
Enforcement and Compliance Assurance Division
U. S. Environmental Protection Agency, Region I
5 Post Office Square, Suite 100 (Mail Code 05-1)
Boston, Massachusetts 02109-3912
O'donnell.maryjane@epa.gov

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| Refrigeration System | Inventory of Anhydrous Ammonia (pounds) |
|----------------------|---|
| | |
| | |
| | |

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If yes, specify the type of review, the year of the review, and who conducted it.

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| | | | |
| | | | |

4. Has the Facility experienced an ammonia release in the last five years that resulted in deaths, injuries, significant property or environmental damage, evacuations, or sheltering in place? **Yes** ____ **No** ____

If yes, please include a brief description of the ammonia release, including the date, cause, amount released, and consequences of the release. _____

DECLARATION

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I declare under penalty of perjury that I am the

_____ of _____,
Title Company

that I am authorized to respond on behalf of

_____, and that the foregoing is a complete, true,
Company

and correct response.

Executed on _____
Date

Signature

Name and Title

Compliance Assurance and Enforcement Focus: Improving Safety at Facilities in New England with Smaller Ammonia Refrigeration Systems

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www.epa.gov/agriculture

Automotive Recycling

www.ecarcenter.org

Automotive Service and Repair

www.ccar-greenlink.org or 1-888-GRN-LINK

Chemical Manufacturing

www.chemalliance.org

Construction

www.cicacenter.org

Education

www.campuserc.org

Food Processing

www.fpeac.org

Healthcare

www.hercenter.org

Local Government

www.lgean.org

Surface Finishing

<http://www.sterc.org>

Paints and Coatings

www.paintcenter.org

Printing

www.pneac.org

Ports

www.portcompliance.org

Transportation

www.tercenter.org

U.S. Border Compliance and Import/Export Issues

www.bordercenter.org

EPA Hotlines and Clearinghouses

www.epa.gov/home/epa-hotlines

EPA sponsors many free hotlines and clearinghouses that provide convenient assistance regarding environmental requirements. Examples include:

Clean Air Technology Center (CATC) Info-line

www.epa.gov/catc or 1-919-541-0800

Superfund, TRI, EPCRA, RMP, and Oil Information Center

1-800-424-9346

EPA Imported Vehicles and Engines Public Helpline

www.epa.gov/otaq/imports or 1-734-214-4100

National Pesticide Information Center

www.npic.orst.edu or 1-800-858-7378

National Response Center Hotline to report oil and hazardous substance spills - <http://nrc.uscg.mil> or 1-800-424-8802

Pollution Prevention Information Clearinghouse (PPIC) -

www.epa.gov/p2/pollution-prevention-resources/ppic or 1-202-566-0799

Safe Drinking Water Hotline -

www.epa.gov/ground-water-and-drinking-water/safe-drinking-water-hotline or 1-800-426-4791

Toxic Substances Control Act (TSCA) Hotline

tsc hotline@epa.gov or 1-202-554-1404

Small Entity Compliance Guides

<https://www.epa.gov/reg-flex/small-entity-compliance-guides>

EPA publishes a Small Entity Compliance Guide (SECG) for every rule for which the Agency has prepared a final regulatory flexibility analysis, in accordance with Section 604 of the Regulatory Flexibility Act (RFA).

Regional Small Business Liaisons

www.epa.gov/resources-small-businesses/epa-regional-office-small-business-liaisons

The U.S. Environmental Protection Agency (EPA) Regional Small Business Liaison (RSBL) is the primary regional contact and often the expert on small business assistance, advocacy, and outreach. The RSBL is the regional voice for the EPA Asbestos and Small Business Ombudsman (ASBO).

State Resource Locators

www.envcap.org/statetools

The Locators provide state-specific contacts, regulations and resources covering the major environmental laws.

State Small Business Environmental Assistance Programs (SBEAPs)

<https://nationalsbeap.org/states/list>

State SBEAPs help small businesses and assistance providers understand environmental requirements and sustainable business practices through workshops, trainings and site visits.

EPA's Tribal Portal

www.epa.gov/tribalportal

The Portal helps users locate tribal-related information within EPA and other federal agencies.

EPA Compliance Incentives

EPA provides incentives for environmental compliance. By participating in compliance assistance programs or voluntarily disclosing and promptly correcting violations before an enforcement action has been initiated, businesses may be eligible for penalty waivers or reductions. EPA has two such policies that may apply to small businesses:

EPA's Small Business Compliance Policy

www.epa.gov/enforcement/small-businesses-and-enforcement

EPA's Audit Policy

www.epa.gov/compliance/epas-audit-policy

Commenting on Federal Enforcement Actions and Compliance Activities

The Small Business Regulatory Enforcement Fairness Act (SBREFA) established a SBREFA Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. If you believe that you fall within the Small Business Administration's definition of a small business (based on your North American Industry Classification System designation, number of employees or annual receipts, as defined at 13 C.F.R. 121.201; in most cases, this means a business with 500 or fewer employees), and wish to comment on federal enforcement and compliance activities, call the SBREFA Ombudsman's toll-free number at 1-888-REG-FAIR (1-888-734-3247).

Every small business that is the subject of an enforcement or compliance action is entitled to comment on the Agency's actions without fear of retaliation. EPA employees are prohibited from using enforcement or any other means of retaliation against any member of the regulated community in response to comments made under SBREFA.

Your Duty to Comply

If you receive compliance assistance or submit a comment to the SBREFA Ombudsman or Regional Fairness Boards, you still have the duty to comply with the law, including providing timely responses to EPA information requests, administrative or civil complaints, other enforcement actions or communications. The assistance information and comment processes do not give you any new rights or defenses in any enforcement action. These processes also do not affect EPA's obligation to protect public health or the environment under any of the environmental statutes it enforces, including the right to take emergency remedial or emergency response actions when appropriate. Those decisions will be based on the facts in each situation. The SBREFA Ombudsman and Fairness Boards do not participate in resolving EPA's enforcement actions. Also, remember that to preserve your rights, you need to comply with all rules governing the enforcement process.

EPA is disseminating this information to you without making a determination that your business or organization is a small business as defined by Section 222 of the Small Business Regulatory Enforcement Fairness Act or related provisions.